

GAO

Report to the Chairman, Subcommittee
on Human Resources, Committee on
Ways and Means, House of
Representatives

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JUVENILE COURTS

Reforms Aim to Better Serve Maltreated Children





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The Honorable E. Clay Shaw, Jr.
Chairman, Subcommittee on Human Resources
Committee on Ways and Means
House of Representatives

Dear Mr. Chairman:

Almost every day, courts that hear child welfare dependency cases¹ across the country make critical decisions that affect the lives of the approximately 1 million children who are victims of child abuse and neglect each year, many of whom enter and remain in the foster care system for years. In this capacity, the courts—executing a variety of federal and state laws—play the central role in determining whether children will be removed from their homes; how long they will remain in the foster care system; and, ultimately, where the children will permanently reside. Over the years, the courts have struggled to balance their attempts to protect children from further harm with making timely decisions for their future.

Many states and localities have begun reforming their court systems to address problems that contribute to children spending years of their childhood awaiting court decisions concerning where they will ultimately live. While some states have initiated change on their own, many began reform efforts as a result of the federal Court Improvement Program (CIP) authorized in the Omnibus Reconciliation Act of 1993. CIP provides grants to state courts to improve their handling of child maltreatment cases. Because of your concern over the courts' performance in achieving timely permanent placements for children, you asked us to identify (1) the key problems in the juvenile dependency court system and (2) state and local responses to these problems. In conducting this work, we reviewed the literature on problems in the juvenile dependency court system, including CIP assessments of problems in specific states, and interviewed state and federal officials and experts on the dependency court process, such as officials at national court-related organizations, judges, and researchers. To obtain first-hand information on dependency court reform activities, we visited juvenile dependency courts in five locations—Santa Clara County, California; the Ninth Judicial Circuit in Florida, comprising Orange and Osceola counties; Cook County, Illinois; Judicial District 20 in

¹Throughout this report, these courts are referred to as "juvenile dependency courts." Some states have special juvenile courts that are separate from adult courts. In other states, child welfare cases are heard in juvenile sessions of regular courts that handle all types of cases.

North Carolina, comprising Anson, Richmond, Stanly, and Union counties; and Hamilton County, Ohio. We chose these locations because experts at the National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association (ABA) considered these locales to be implementing significant reforms, or because CIP was a major impetus for change there. We conducted our work between December 1997 and October 1998 in accordance with generally accepted government auditing standards. (A more detailed discussion of our scope and methodology appears in app. I).

Results in Brief

Serious systemic problems continue to plague the juvenile dependency court system. States we visited reported a lack of cooperation between the courts and child welfare agencies as well as difficult personnel and data management issues that jeopardize the courts' ability to ensure that a child's stay in the foster care system is as brief as possible and that the permanent placement decided upon is in the best overall interest of the child. Despite their shared involvement in the child welfare system, courts and child welfare agencies often do not work well together. For example, some judges mistrust the judgments of caseworkers and routinely order additional clinical assessments to compensate for what the judges perceive as professional inadequacies. In addition, courts face numerous difficulties, including increased caseloads, short tenures for judges and attorneys assigned to juvenile dependency courts, insufficient training of judges and attorneys in child welfare law and concepts, and information systems that do not adequately track the progress of individual cases or monitor the courts' compliance with statutory time frames for achieving permanent placements.

In response to these problems, some states have initiated court reforms that they believe reduce the length of time children spend in foster care and improve the quality of the decisions made by the courts. These reforms generally fall into two categories. Reforms of the first type, which are designed to improve the overall operation and infrastructure of the courts, include convening multidisciplinary advisory committees to resolve differences that exist between the courts and the organizations involved in court proceedings as well as developing juvenile dependency court information systems. The second type of reform is focused on improving the quality of decision-making on individual cases. These reforms include holding mediation sessions in which all relevant parties meet to resolve issues in dispute in a nonadversarial setting outside the courtroom, as well as increasing the time allotted for specific hearings.

Regardless of the nature of the reform, state and local officials at the sites we visited identified three ingredients that successful reform efforts have in common. These essential reform components are the presence of judicial leadership and collaboration among court participants, the availability of timely information on case processing performance, and the availability of financial resources to initiate and sustain reforms. As the impact of the reforms is considered, one important caveat should be kept in mind: While states and localities believe they have made progress in addressing problems, few results are documented. To determine and measure the effects of reform projects, and to institutionalize successful initiatives, courts will need sound evaluation strategies.

Background

The child welfare system—composed mainly of state and local child welfare agencies and juvenile dependency courts—is supported by a complex mix of people and programs. Approximately 1 million children are the victims of abuse and neglect by their parents or caregivers each year, and each participant in the system plays a role in ensuring that maltreatment cases are resolved expeditiously while taking into account the best interests of the child.² A natural tension exists between the requirement to provide quality decisions and the need to ensure the timeliness of those decisions. While courts must take time to preserve the integrity of their decisions by examining all the facts, they must also consider the child's sense of time and the serious emotional consequences that a child who waits months or sometimes years for a permanent home can experience.

Courts Play an Expanded and Central Role in the Child Welfare System

The child welfare system involves many participants. Child welfare caseworkers receive and investigate reports of suspected maltreatment and recommend and locate appropriate social services. Private service providers, such as mental health professionals, work with these caseworkers to identify a family's difficulties and supply needed help and services. Juvenile dependency courts rely on information from caseworkers, service providers, and others to reach decisions on cases presented to the courts. Court-appointed special advocates (CASA), guardians ad litem, or both are often appointed by the court to represent

²The term "maltreatment" refers to child abuse and neglect. Many types of abuse (such as physical, sexual, or emotional) and neglect (such as physical, educational, medical, or lack of supervision) can occur.

the child's best interests.³ Some attorneys—such as public defenders—provide legal representation for indigent parents who are suspected of maltreating their children, while others—such as state or county attorneys—provide legal representation for child welfare agencies in presenting the facts and recommendations of the cases. Finally, the juvenile dependency court judge distills the facts and information presented about a case and decides whether a child should be placed in the foster care system, how long the child will remain outside the home if removed, and where the child will ultimately reside.

In 1980, the Congress enacted the Adoption Assistance and Child Welfare Act (P.L. 96-272). The primary goals of the act were to prevent the unnecessary separation of children from their families, improve the quality of care and services for vulnerable children and their families, and ensure that children did not languish in foster care. The act placed major new responsibilities on the courts to oversee child welfare cases more rigorously than before and, as a result, the number of hearings expanded dramatically. Unlike other cases, such as those dealing with criminal activities, child maltreatment cases deal with ongoing and changing conditions. As a result, seven kinds of hearings may occur in child welfare cases: (1) preliminary protective hearing, (2) adjudication hearing, (3) disposition hearing, (4) review hearing, (5) permanency planning hearing, (6) termination of parental rights hearing, and (7) adoption hearing (see table 1).

³CASAs, usually volunteers, are trained to provide assistance to the court and to oversee a child's case. Guardians ad litem are attorneys appointed to represent children in maltreatment proceedings.

Table 1: Hearings Held for Child Maltreatment Cases

Hearing type	Purpose
Preliminary protective hearing	To decide whether or not the child can be immediately and safely returned home while the trial on the alleged maltreatment is pending. In most states, this hearing is held within 1 to 3 working days after a child is removed from the home. Recommended time allocation: 60 minutes.
Adjudication hearing	To determine if allegations of abuse or neglect are sustained by the evidence presented and are legally sufficient to support state intervention on behalf of the child. The adjudication hearing should be completed no later than 60 days after a child is removed from the home. Recommended minimum time allocation: 30 minutes.
Disposition hearing	To decide who will have custody and control of the child and to review the reasonable efforts made to prevent removal of the child from the home. This hearing should be completed within 30 days of the adjudication hearing. Recommended minimum time allocation: 30 minutes.
Review hearings	To periodically review case progress to ensure children spend the least possible time in temporary placement and to modify the family's case plan, as necessary. Federal law requires these hearings to be held at least every 6 months. Recommended time allocation: 30 minutes.
Permanency planning hearing	To decide the permanent placement of a child, such as returning home or being placed for adoption. Federal law enacted in 1997 now requires this hearing to be held no later than 12 months from the time a child is considered to have entered foster care. ^a Recommended time allocation: 60 minutes.
Termination of parental rights hearing	To end the rights of the parents to visit, communicate with, and obtain information about the child or to ever regain custody. This hearing should be initiated whenever there is strong evidence that a child will never be able to safely be placed with his or her parents and that adoption is in the child's best interests. Recommended minimum time allocation: 60 minutes.
Adoption hearing	To build a new legal relationship between the child and the individuals who are to become the child's adoptive parents. Courts should make special efforts to ensure adoptions are concluded without undue delay once parental rights are terminated. Recommended minimum time allocation: 30 minutes.

^aThe Adoption and Safe Families Act of 1997 changed the definition of when a child is considered to have entered foster care from that of previous laws. It considers a child to have entered care on the earlier of (1) the date of the first judicial finding that the child has been subjected to abuse or neglect or (2) 60 days after the date on which the child is removed from the home.

Source: NCJFCJ, Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (Reno, Nev.: NCJFCJ, 1995) and the Adoption and Safe Families Act of 1997.

The preliminary protective hearing, the first hearing in a juvenile abuse or neglect case, occurs either immediately before or after a child is removed

from the home in an emergency.⁴ The main purpose of this hearing is to decide, on the basis of an assessment of risks and dangers to the child, whether or not the child can be immediately and safely returned home while the trial on the alleged maltreatment is pending.⁵ During this hearing, the court determines if the child welfare agency made reasonable efforts to preserve the family.⁶ During the adjudication hearing, the judge determines if allegations of abuse or neglect are sustained by the evidence and, if so, are legally sufficient to support state intervention on behalf of the child. If the allegations are sustained, the court proceeds to the disposition hearing, where the reasonable efforts that were made to prevent the child's removal from the home are again discussed and decisions concerning who will have custody and control of the child are made. Review hearings are then held periodically in accordance with federal and state laws to ensure that children spend as short a time as possible in temporary placement and to modify the case plan for family services as necessary. The permanency planning hearing is a special type of court proceeding designed to reach a decision concerning the permanent placement of the child. Possible permanent placements include the child's return home and the child's adoption. Choosing adoption necessitates holding a termination of parental rights hearing to end the rights of the parents to visit, communicate with, and obtain information about the child or to ever regain custody. Finally, the adoption hearing builds a new legal relationship between the child and the individuals who are to become the child's adoptive parents.

Federal Government Continues to Monitor and Assist Juvenile Dependency Courts

In 1980, the same year the Adoption Assistance and Child Welfare Act was enacted, in part, to improve judicial consideration of child maltreatment cases, NCJFCJ established the Permanency Planning Project for Children—primarily with private funding—that provided limited training and technical assistance to courts. A separate grant from the Edna

⁴All states have laws that determine the allowable time frame within which to hold the preliminary protective hearing. In most states, this hearing must occur within 1 to 3 judicial working days after the child is removed from the home.

⁵Although it is not conducted in many courts, a pretrial conference may be held. Pretrial conferences are designed to promote case resolution by providing an informal forum for settlement negotiations. If the parties can agree that the child has been maltreated, further time-consuming court proceedings become unnecessary. Case resolution agreements must be properly drafted to create an adequate record for future court involvement.

⁶P.L. 96-272 requires that "reasonable efforts" be made to prevent or eliminate the need for removal of a child from the home and to reunify the family if the child is removed. The requirement is designed to ensure that families are provided with services to prevent their disruption and to respond to the problems of unnecessary disruption of families and children remaining in foster care for long periods of time. The Adoption and Safe Families Act of 1997, however, provides that reasonable efforts are not required in certain cases, such as when the court has determined that the parent has subjected the child to aggravated circumstances or the parent has murdered another of his or her children.

McConnell Clark Foundation allowed NCJFCJ to establish model jurisdictions in 14 states to improve the implementation of reasonable efforts to reunite children with their families. The success of these privately funded initiatives helped prompt the Department of Health and Human Services (HHS) to provide funds to NCJFCJ in 1983 to expand these model court efforts to three additional states. In 1984, the Department of Justice (DOJ) provided the first phase of funding to establish state permanency planning task forces and to support interdisciplinary training and technical assistance for improving juvenile court systems. DOJ provided additional funding between 1992 and 1997, for a total of \$4.25 million. Approximately \$1.5 million was used to develop a document to set forth the elements of a high-quality judicial process in child maltreatment cases, including the essential elements of properly conducted court hearings and the requirements of juvenile and family courts in fulfilling the role given them by federal and state laws. The resulting Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases was issued in 1995 and endorsed by the ABA and the Conference of Chief Justices. The remaining funds are being used to support model court initiatives in 17 locations to improve court practice in child maltreatment cases.

Because of perceptions that problems were still present in juvenile dependency courts, the Omnibus Reconciliation Act of 1993 authorized funds for CIP to be administered by HHS. The act set aside \$35 million—\$5 million for fiscal year 1995 and \$10 million for each of fiscal years 1996, 1997, and 1998—in entitlement grants for state courts to help them perform their role in making decisions about families and children at risk. The first year of CIP funds was to be used to conduct assessments of state foster care and adoption laws and judicial processes and to develop a plan for improvements. Funding in subsequent years was targeted for implementing improvements according to the plan. CIP funding was awarded to 48 states⁷ and the District of Columbia; 42 states and the District of Columbia have completed the required assessment, and 46 states and the District of Columbia have begun implementing various reform activities. These reforms generally affect the quality and content of hearings; legal representation of parties such as children and parents; timeliness of decisions; notice to and participation of parties in court proceedings; treatment of parties; quality and professionalism of judges and other judicial officers; staffing of courts in child protection cases; use of technology; training or education of judges and court staff; and state legislation, court rules, forms, or court-related policies.

⁷Idaho and Wyoming have not yet applied for CIP funds.

Recent Legislation Has Created New Requirements for the Courts

Just as the 1980 Adoption Assistance and Child Welfare Act sought to improve the way child maltreatment cases were handled by increasing judicial oversight, the Congress enacted the Adoption and Safe Families Act (ASFA) in November 1997 in part as a response to the fact that more children were entering the foster care system each year than were exiting. The act firmly established safety, permanency, and child well-being as the national goals for children in the child welfare system. Many of the act's provisions exert new pressure on the courts to move cases more quickly and affect how the courts conduct child maltreatment proceedings. For example, states are now required to file a court petition to terminate parental rights if the child has been in foster care for 15 of the most recent 22 months. Although some exceptions to this provision exist, a preliminary HHS estimate is that approximately 177,600, or 34 percent, of the children in foster care as of March 31, 1998, will fall into this new category. Some practitioners believe this provision will increase the number of termination of parental rights hearings that must be held as well as the overall court calendar time needed, since these hearings can take several days to conduct. Further, the permanency planning hearing—previously held about 18 months after the child's original placement in foster care—must now take place no later than 12 months after the child is considered to have entered foster care. In addition, ASFA reauthorized funding for CIP for an additional 3 years, providing \$10 million for each of fiscal years 1999, 2000, and 2001.

Juvenile Dependency Courts Face Serious Problems That Hamper Effective Decision-Making

Juvenile dependency courts are fraught with systemic problems that affect their ability to make sound decisions in a timely manner regarding where a child will ultimately reside. We found two key problems to varying degrees in all five states we visited: (1) a lack of cooperative working relationships between the courts and other participants involved in the child welfare system, including conflict over how courts and child welfare agencies resolve issues, and (2) difficult personnel and data management issues, such as inadequate numbers of judges and attorneys to handle large caseloads; frequent turnover among judges and attorneys; inadequate training of judges and attorneys in the area of child welfare; and a lack of efficient, automated information systems for tracking case data. Together, these problems hinder the courts' ability to produce decisions within time frames that meet both the needs of children as well as the requirements of child welfare legislation.

Courts and Agencies Lack Cooperative Working Relationships

The courts and child welfare agencies each play key roles in the child welfare system. Despite this shared involvement in handling child maltreatment cases, the courts and agencies often do not work well together. Experts we interviewed confirmed a lack of effective working relationships among the courts and other participants in the system, and local officials at all five sites we visited stated that there was a lack of cooperation before reform efforts were instituted and that it may still exist to some extent. This lack of effective working relationships is illustrated in a variety of ways.

For example, the CIP assessment of Cook County, Illinois, found a pervasive mistrust among officers of the court directed toward the caseworkers assigned to addressing the needs of children and their families. Judicial officers⁸ indicated that because children's cases may be managed by several caseworkers in different agencies, the court is left with the sense that only the court is considering the interests of the entire family. The assessment further reported that because judges do not trust the judgments of caseworkers, they routinely order additional clinical tests and assessments by experts and may require frequent progress reports and case status hearings to ensure that caseworkers are conducting their assigned tasks appropriately, thus lengthening the court process for resolving cases.

In addition, relationships among the participants can at times be adversarial. According to the Illinois CIP assessment, the many attorneys involved in dependency cases may focus on winning those cases rather than on obtaining services for the family. The attorneys, each representing a different party to the proceedings, may have separate agendas. For example, a district attorney in California representing children in the juvenile dependency court commented that her office may recommend a different course of action for a child than the one proposed by the child welfare agency. While the social worker oversees the plan for the entire family, the attorney approaches the case from the child's perspective only. In addition, CIP and court officials as well as an attorney for the child welfare agency in Illinois pointed out that the courts and child welfare agencies have frequently blamed each other for failures of the child welfare system, such as child deaths. The adversarial nature of litigation can make the process of finding permanent homes for abused and neglected children less efficient. For example, attorneys representing the

⁸Judicial officers include judges as well as a variety of officials who are appointed to hear cases and make decisions. Magistrates, commissioners, hearing officers, and referees are examples of these other judicial officers. Typically, the decisions made by these other officials are reviewed by the judge who appointed them.

child welfare agency and children in North Carolina's District 20 told us that when key participants in the system do not work together at the beginning of a case to develop plans for solving the family's problems, the delivery of social services can be delayed. This delay, in turn, can lengthen the time it takes to find a permanent home for a child or to return a child to his or her biological parents.

Courts Face Difficult Personnel and Data Management Issues

A number of personnel and data management problems in the juvenile dependency courts also hamper the process of finding permanent homes for abused and neglected children. First, the courts in many jurisdictions do not have a sufficient number of judges and attorneys to handle the large number of child maltreatment cases in an expeditious manner. Second, some juvenile dependency courts experience frequent turnover of both judges and attorneys, which reduces the level of expertise they bring to the dependency process. Third, the courts may not always ensure that judges and attorneys have received training in the legal and nonlegal aspects of child maltreatment before they begin working in the dependency field. Last, the courts do not have adequate automated information systems in place to monitor their dependency caseloads.

Personnel Issues

Child welfare proceedings can be long and complex. According to experts in the juvenile dependency court process, to complete the demanding work of the court, there must be enough judicial officers and attorneys who possess sufficient expertise to ensure that children are protected and placed in a permanent home in a timely fashion. Further, experts such as those at NCJFCJ also report that judicial and attorney caseloads have risen at the same time that court demands, such as the number of hearings and parties involved in child maltreatment cases, have increased. The problem of large caseloads appeared in the CIP assessments of three of the states we visited and was confirmed by local officials at four of the five local sites we visited. Although formal caseload size standards do not exist, two juvenile court jurisdictions—Hamilton County, Ohio, and Kent County, Michigan—are recognized by experts and cited by ABA as successful courts with appropriate judicial caseloads.^{9,10} Hamilton County judicial officers each handled an average of 239 child protection cases in 1991, while Kent County judicial officers each handled approximately 181 cases in 1993. Court caseloads in four of the five sites we visited, however, often exceed

⁹ABA, *Judicial Implementation of Permanency Planning Reform: One Court That Works* (Washington, D.C.: ABA, 1992).

¹⁰ABA, *A Second Court That Works: Judicial Implementation of Permanency Planning Reforms* (Washington, D.C.: ABA, 1995).

these suggested levels.¹¹ For example, the presiding judge at one site we visited handles approximately 1,000 cases per year. As part of its court improvement program, California studied judicial resources and found that many counties needed additional judges to meet the ratios in effect in Hamilton County, Ohio. In Los Angeles County, for example, about 53 additional judges were needed, while San Bernardino County needed about 12 more judges.

Similarly, local officials at the sites we visited reported excessive attorney caseloads, and experts confirmed that caseloads for attorneys in many jurisdictions are unreasonably large. According to the ABA, a caseload of 40 to 50 active cases for a full-time staff attorney for a child welfare agency is reasonable.¹² By comparison, attorneys in the Cook County, Illinois, Public Defender's Office have an average of 650 juvenile dependency cases at any given time, while the state's attorneys each have about 1,000 such cases on average. In Santa Clara County, California, the Deputy District Attorney, whose office represents children, reported average attorney caseloads of 600. Similarly, a managing attorney for the child welfare agency at that site reported that 13 attorneys handle 4,000 child maltreatment cases at any given time. California's CIP assessment showed that large caseloads are also a problem in other locations in the state. Of attorneys in six counties responding to a survey as part of the California CIP assessment, half had caseloads of more than 150, 25 percent had 250 or more, and the 10 percent with the largest caseloads had 600 or more.

Experts in the juvenile dependency court process note that large caseloads result in hearings that may not be substantive and may be frequently delayed or continued,¹³ ultimately contributing to the courts' failure to meet statutory deadlines for moving children out of the foster care system. For example, although NCJFCJ's Resource Guidelines suggest hearing times for the various hearings in the dependency process, CIP assessments from California, Florida, and Illinois confirmed that hearings often do not meet these minimum time frames. The guidelines indicate that preliminary protective hearings should last about 1 hour, but Florida reported that 56 percent of its preliminary protective hearings lasted only 4 minutes. In Cook County, Illinois, the average preliminary protective

¹¹Court caseloads in three of the five sites comprise only dependency-related cases. Court caseloads in the fourth site comprise a mix of dependency, civil, and criminal cases because the judges in this location hear cases in each of these categories.

¹²Segal, E.C., *Evaluating and Improving Child Welfare Agency Legal Representation: Self-Assessment Instrument and Commentary* (Washington, D.C.: ABA National Legal Resource Center for Child Advocacy and Protection, 1990).

¹³When a continuance is granted by the judge, the case is rescheduled for another day.

hearing lasted about 16 minutes. Similarly, CIP assessments in four states cite continuances as problematic. For instance, the Cook County, Illinois, assessment indicates that the most observable manifestation of delay in the court is the continuance. Adjudication and permanency hearings had the highest rates of continuances, at 54 and 51 percent, respectively. Permanency hearings were continued an average of 75 days, with a range of 8 to 203 days. Similarly, Florida's assessment noted that in the 882 court observations conducted, all of the 169 requests for continuances were granted. Both Florida and Illinois link such continuances to the courts' inability to meet statutory time frames for finding permanent homes for children. Florida's assessment noted that missed deadlines between the preliminary protective hearing and termination of parental rights translate, on average, to nearly an additional year that a child spends in the dependency process. Illinois' assessment found that 90 percent of children who entered foster care from 1993 through 1994 were still in nonpermanent placements in 1996.

Judicial and attorney turnover is another problem. Turnover impairs expertise in child welfare issues, according to experts such as those at the National Center for Juvenile Justice (NCJJ) and the ABA. For example, the ABA testified before the Congress in 1997 that juvenile dependency courts are confronted with frequent rotation of judges who may or may not have expertise or an interest in child welfare law. Similarly, CIP officials in three of the five states we visited said that judicial rotation is a problem. For instance, a Florida CIP official told us that some judges may be rotated out of juvenile dependency court after only 6 months, with the result that many dependency cases are heard by judges who are unfamiliar with dependency law. California CIP officials stated that judicial officers change constantly—for example, interested and dedicated judges may be rotated out after 1 year on the bench. The frequent rotation of judges can contribute to decisions that are not based on a thorough knowledge of the individual child and family and can result in unnecessary delays in reaching decisions about permanent homes, according to experts in the dependency court process. For example, one expert noted that in some cases a series of judges makes sequential decisions about the child—that is, one judge removes the child from the home, another oversees efforts to reunify the family, another handles permanency planning, and yet another terminates parental rights. These dependency court experts also commented that a succession of judges unfamiliar with the family and the child increases the potential that key facts about the case will be overlooked.

Juvenile dependency courts also experience high rates of attorney turnover, according to experts in the dependency court process and local officials in four of the five sites we visited. In its review of 25 state CIP assessments and in a related study on attorney representation, NCJFCJ found that frequent rotation of prosecutors and agency attorneys is a problem.^{14,15} California's CIP assessment found rapid rotation of some county public defenders and noted that parents should not have to adjust to two to four attorneys over the life of a case. Local attorneys in Illinois, North Carolina, and Ohio confirmed that rapid turnover occurs among various attorneys in the dependency arena. Experts agree that the parties to child maltreatment proceedings need consistent legal representation to ensure that the information these attorneys supply to the judge is complete and thorough. According to one expert, children, in particular, need a single representative to retain their history, including the reasons they entered the child welfare system.

Limited or underutilized child welfare-related training opportunities further affect the level of skill and experience the participants bring to the courtroom. According to experts, such as officials at HHS and NCJJ, and CIP assessment reports, some judges and attorneys lack training specific to child welfare law, as well as to other family-related topics, such as child development and the dynamics of child maltreatment. For example, HHS' CIP "Program Instruction," a document that describes the program and its requirements, cites insufficient training in child welfare issues for many participants in the system as a common problem. Additionally, the principal finding of a national research project conducted by NCJFCJ was the need for improved training in both the legal and nonlegal aspects of dependency cases.¹⁶ The CIP assessment of Cook County, Illinois, noted that attorneys are poorly trained to handle the types of social service issues inherent in child maltreatment cases. The North Carolina assessment noted that judges are not subject to any specific training requirements other than possessing a law degree. Similarly, attorneys in Illinois, North Carolina, and Ohio; judges in Florida and Ohio; and local child welfare officials in California and Ohio stated that dependency court participants need further training. For example, a judge in Florida

¹⁴NCJFCJ, Technical Assistance Bulletin: Summaries of Twenty-Five State Court Improvement Assessment Reports (Reno, Nev.: Permanency Planning for Children Project, NCJFCJ, Mar. 1998).

¹⁵NCJFCJ, Technical Assistance Bulletin: Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice (Reno, Nev.: Permanency Planning for Children Project, NCJFCJ, Mar. 1998).

¹⁶NCJFCJ, Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice.

remarked that juvenile dependency court judges must understand the dynamics of child maltreatment cases and have a grasp of child psychology. According to this official, many judges have preconceived notions about child sexual abuse that are changed after the judges take a class on the impact of child maltreatment.

Experts in the dependency court process agree that a lack of training and experience in dependency law can also reduce the quality of decisions in child maltreatment cases. According to these experts, this lack of training and experience inhibits judicial officers' ability to gather enough facts about a case to make fully informed decisions about the child and family. Similarly, experts indicate that hearing effectiveness is negatively affected if attorneys are not adequately trained to handle the special demands of child maltreatment cases and to expedite the cases.

Data Management Issues

The lack of adequate automated information systems to effectively manage child maltreatment case flow is a nationwide problem, according to NCJFCJ. Information about individual cases is critical for diagnosing and responding to the problems of the children and families that come before the court. For example, courts need data such as the name, age, and ethnicity of the child; the type of alleged abuse or neglect; dates of scheduled court hearings; and information on nondependency cases involving the same family, including domestic violence, divorce, or criminal actions. The California CIP assessment reported that California lacks statewide standards for information systems and that, although the courts studied have information systems in place, none are well-designed for tracking dependency cases, with the possible exception of the Los Angeles system. North Carolina's assessment indicated that most of the information necessary to measure court performance is available, but it is dispersed among the guardians *ad litem*, the Administrative Office of the Courts, and the child welfare agency. Furthermore, many juvenile courts in North Carolina completely lack automated systems. Fewer than half of the juvenile court clerks in 40 North Carolina counties surveyed reported using a computer for any purpose, and none reported using any court management software or preparing case management information reports for use at the district or county level. In addition, all 25 state CIP assessments reviewed by NCJFCJ cited the need for improved data systems in juvenile dependency courts.¹⁷

The lack of effective information systems not only affects the courts' ability to reach decisions about permanent homes for children but may

¹⁷NCJFCJ, *Summaries of Twenty-Five State Court Improvement Assessment Reports*, p. 17.

also lead to other serious consequences. Experts in the dependency court process indicate that without automated data systems that track key events in the court process, courts may not be able to reliably follow the progress of individual cases through the system and, as a result, may miss statutory deadlines for making permanency decisions. Furthermore, dependency courts may be unable to track civil or criminal cases in other courts within the jurisdiction or in other jurisdictions or simply to share information between courts. For example, a juvenile dependency court judge in California related an incident in which he gave custody of a child to one of the parents. However, because the different courts do not share case information, this judge did not know the details of the parents' divorce suit pending in another court. As a consequence, the other parent's attorney was able to change the terms of the custody arrangement during divorce proceedings and essentially overturn the juvenile dependency court decision. A new juvenile court hearing became necessary to resolve the conflicting decisions. More serious consequences are also possible. According to a report on information management in the Cook County, Illinois, juvenile court,¹⁸ the presence of an automated information system that maintained critical case information in a usable format might have made a significant difference in a prominent case involving the death of a child. The report said that, in this case, important information was amassed only in hard copy, and caseload demands prevented the judge and attorneys from becoming familiar with essential facts. The judge who last heard the case had no prior experience with the family and relied on the assurances of others regarding necessary actions. While many factors contributed to the child's death, an independent committee identified a collective failure to provide the court with crucial information as a major systemic failing and concluded that information must be more timely and better disseminated.

State and Local Reforms Seek to Improve Quality and Timeliness of Decisions, but Evaluation Is Needed

States we visited have implemented a variety of reforms to address some of the problems that have hindered the courts' ability to quickly resolve dependency cases. These reforms can be divided into two categories: those that seek to improve the overall operation and infrastructure of the courts, such as convening multidisciplinary advisory committees and developing automated information systems, and those that target improving decision-making in individual cases, primarily by using information-gathering and dispute-resolution techniques in addition to formal court hearings. Regardless of the methods chosen to change the

¹⁸Children and Family Justice Center, Northwestern University School of Law, Information Management in the Juvenile Court of Cook County (Chicago, Ill.: Northwestern University School of Law, Jan. 1995), p. 2.

way juvenile dependency courts handle child maltreatment cases, state and local officials identified three components essential to instituting and sustaining reforms over time. Although some progress in reducing caseloads and shortening case processing times has been noted since reform efforts began, most locations are just beginning to evaluate and document results. As a result, states and localities currently do not know which interventions have improved their courts and which have not.

Many Reforms Seek to Improve Working Relationships and the Availability of Court Process Information

To improve cooperation between the courts and agencies, states and localities we visited convened multidisciplinary advisory committees to (1) work on resolving turf battles, (2) dispel the mistrust among system participants, and (3) develop and implement other reforms. At the state level, all five states convened multidisciplinary CIP advisory committees, typically including representatives from key participant groups, such as child welfare agencies, CASAS, the state bar, judges, state attorneys, and other advocates. The advisory committees planned and oversaw the CIP assessment process, analyzed the results, and jointly developed an action plan to implement reforms. According to CIP officials, the value and benefits derived from these committees far exceed expectations, given the small size of the CIP state grants. CIP officials at all sites credited the program with providing the impetus to assemble a statewide group of key individuals to consider court reform, adding that the committees represented the first time system participants were talking and working together statewide. According to these officials, this unifying force has proven invaluable in initiating and institutionalizing reforms.

Similarly, the Cook County, Illinois, juvenile court convened local advisory committees to work on local issues. One such committee, the Table of Five, which consists of the presiding judge and the heads of the child welfare agency and the Offices of the Public Guardian, State's Attorney, and Public Defender, meets to discuss systemic problems and the pressing issues surrounding the dependency court. In addition, Table of Five members work to resolve turf battles, to dispel fear and mistrust, and to model the right behavior for their employees. Cook County's Child Protection Advisory Group, composed of 32 individuals representing all offices of the court, the child welfare agency, private social service agencies, legal service providers, advocacy groups, and universities, is charged with advising the presiding judge on all matters relating to improving the court's Child Protection Division. The Group is divided into subcommittees that focus on various issues, such as alternatives to court

intervention, making decisions in the best interests of the child, and terminating parental rights.

Multidisciplinary conferences and training sessions are used in all five states we visited to impart information to juvenile dependency court participants on child welfare concepts and court priorities and goals, to build relationships, and to cross-train to learn each others' roles in the child welfare system. According to CIP and court staff in these states, understanding each others' roles and identifying common goals have helped reduce the adversarial environment of the court. California's CIP convened a December 1997 Beyond the Bench Conference, for example, to enhance collaboration among all participants and to cover court improvement-related topics, such as collaborative ways to improve child protection, establishing dependency mediation programs, ensuring quality in court-appointed attorney representation, and addressing child sexual abuse. The conference also served as the kick-off activity for CIP, whose staff encouraged each county's participants to brainstorm as a team on needed court improvements. North Carolina's District 20—the state's CIP pilot site comprising four rural counties—initiated CIP with a joint meeting of key child welfare system participants, such as county social service directors, mental health directors, and guardian *ad litem* administrators. Monthly training sessions allow court participants to take part in making reform decisions. The four counties host the sessions on a rotating basis, with some sessions being county-oriented, some district-oriented, and some oriented by job discipline. According to CIP staff, training across disciplines helps each participant learn about the roles and responsibilities of others as well as builds camaraderie among and a higher degree of professionalism in all court participants.

For courts to meet statutory time frames and to understand the dynamics and needs of the clients they serve, information is critical. To improve this key element of court infrastructure, three of the five locations we visited—California, Illinois, and North Carolina—are developing information systems statewide or in specific counties. A fourth location—Hamilton County, Ohio—developed its current juvenile court information system beginning in 1992 and continues to enhance its capability. Although the county's Juvenile Case Activity Tracking System is not linked to the child welfare agency's computer system, the court downloads information to the agency as needed. The systems in the sites we visited are used, or will be used, to gather and track case data, evaluate trends, manage workload, and share information. For example, California's CIP is providing computers to all jurisdictions and has created

an Internet Web page for information sharing and networking among the various counties. The Web site will contain a variety of items, such as case summaries—since some courts do not have law libraries—and judicial opinions. Cook County, Illinois, is developing a comprehensive computer system for the county's entire juvenile court, known as the Juvenile Enterprise Management System (JEMS). JEMS electronically links the court and its agencies (such as the public guardian, public defender, sheriff, and state's attorney) to gather case data and manage workload. North Carolina's CIP is developing a case management system using laptop computers and case tracking software developed by the guardian ad litem program.

Other Reforms Are Focused on Improving Individual Case Decision-Making

Other reforms under way in the states we visited focus on making decisions in an individual child's case, intervening at key points in the process to gather and share comprehensive information among court participants, and resolving issues outside the courtroom. State and local officials believe additional time invested at the beginning of a case can shorten the length of time it takes to make a permanent placement decision. For example, Day One Conferences in North Carolina's District 20 are held on the first business day after a child is taken into custody by the child welfare agency. In attendance are the parents, child welfare caseworkers, guardians ad litem, public and mental health liaisons, attorneys, public education liaisons, child support liaisons, law enforcement officers, and the court improvement case manager. These meetings provide a forum to arrange services for the family immediately, on the basis of the belief that the more quickly the family receives services, the more likely the family will be able to stay together or be reunified. The meetings also provide an opportunity to reach agreement on many aspects of the case outside the courtroom and can reduce the number of times a case is continued. The Day One group discusses the need for continued out-of-home placement, case planning and services provided to the family before removal of the child from the home, and future service needs. Should a decision be made for the child to remain in out-of-home care, paternity, parental visitation, and financial support are also discussed. Cook County, Illinois, has initiated Court Family Conferences, similar to Day One Conferences, to provide an opportunity for parents to participate in the process to expedite their children's return home. These conferences are held approximately 55 days after the preliminary protective hearing to discuss issues in the case and, if possible, set a realistic target date for a successful return home. Attempts are made to reach agreement on key issues, such as the facts that led to

removal of the children, the tasks the parents must complete in order to have their children returned, and the date by which social services will be provided.

Mediation—seen as a way to handle escalating court caseloads and possibly decrease court hearings—is used at a variety of different points in the court process in two of the five local sites we visited. Mediation involves the intervention of a neutral third party who has no authoritative decision-making power. The mediator helps the parties—such as the parents and other relatives, assigned social workers, and child advocates—come to agreement on issues in dispute in a nonadversarial setting. Mediations allow all parties to be active in the decision-making process and to develop a plan in the best interests of the child, thus reducing the number of issues the court must decide.

The Ninth Judicial Circuit in Florida, for example, uses mediation for the more difficult cases and a companion initiative—case plan conferences—for the remaining ones. Case plan conferences follow the mediation protocol but are not facilitated by a trained mediator. One goal of these initiatives is to have parents acknowledge the problems that brought them into the system. According to circuit officials, each method allows the parties to reach resolution faster and enhances the quality of trials because every issue in the case does not need to be discussed in court. Further, the number of trials has decreased as more cases have been fully resolved in mediation. Circuit officials believe the juvenile dependency court system has become less adversarial and that the focus has shifted away from winning or losing a case. Mediations and case plan conferences, however, place additional resource demands on the system because the mediation or conference must take place between the preliminary protective hearing and when the abuse and neglect petition is officially filed—generally a 3-week period in the Ninth Circuit. Similarly, Santa Clara County, California, began using mediation in 1992 after the state legislature encouraged its use as a way to intervene in cases in a more constructive manner. Mediation may be used at any stage in the court proceedings. After all areas of agreement are presented to the court, the court determines the acceptability of any agreements reached.

Another reform—the one-judge model of case management—is used in four of the five local sites we visited—Hamilton County, Ohio; Santa Clara County, California; the Ninth Judicial Circuit in Florida; and District 20 in North Carolina. This staffing process requires the judicial officer presiding over the preliminary protective hearing to also conduct all subsequent

hearings until the child is returned home or a decision has been reached about where the child will permanently reside, generally no later than 12 months after the child is considered to have entered foster care, as required by federal law. The one-judge model can enhance case management and guarantees that one person has all the information regarding the child. According to NCJFCJ's Resource Guidelines, a judge who remains involved with a family is more likely to make decisions that are consistent with the best interests of the child.

Finally, two of the five local sites we visited have increased the length of the preliminary protective hearing. NCJFCJ's Resource Guidelines recommend that courts allocate 1 hour for these hearings—which are generally held immediately after a child's removal from the home—to allow adequate time to conduct a thorough assessment of the case. Cook County, Illinois, created an adjunct to its preliminary hearing, known as the extended temporary custody hearing, resulting in an increase in the average time spent from about 7 minutes to about 45 minutes. The extended temporary custody hearings are conducted off-the-record and cover topics such as visitation plans, placement options, and the initial service needs of the family, as well as reasonable efforts made by the child welfare agency and a court review of the necessity of removing the child from home. At the conclusion of the hearing, information is summarized and presented to the court at the official preliminary protective hearing. The Hamilton County, Ohio, juvenile court generally schedules an initial hearing for 1 hour on the same day the petition has been filed to initiate the court process. The purpose of the extended hearing is to get the case moving quickly and to review the child welfare agency's initial handling of the case before the preliminary protective hearing. Counsel for parents and a guardian ad litem for the child are appointed, and the court makes an in-depth inquiry regarding the child's current placement, early parental visitation, and the availability of relatives to care for the child.

Key Ingredients Are Necessary for Successful Reform

The experiences of the states and localities that have begun efforts to reform their juvenile dependency court systems provide valuable lessons to other jurisdictions contemplating similar reform efforts. During our field work, state and local officials that have undertaken reforms identified three ingredients that are key to successful reform efforts: (1) the presence of judicial leadership and collaboration among child welfare system participants, (2) the availability of timely information on how the court is currently operating and processing cases, and (3) the availability of financial resources to initiate and sustain reform.

Judicial Leadership and Collaboration Are Critical

Experts as well as state and local officials in all five locations we visited agree that reforms cannot occur without strong judicial leadership. These experts and officials believe that judges set the tone for how reform will occur; have the authority to institute new court rules, policies, and practices; and are key to bringing all child welfare system participants on board. For example, in 1995 the ABA reported on reforms undertaken in the Kent County, Michigan, juvenile dependency court.¹⁹ The ABA found that a key element of that court's ability to perform the additional functions designed to help achieve permanent and safe homes for maltreated children was a strong commitment from the presiding judge, other judges, and almost all court staff to meet the individual needs of children and to achieve safe permanent placements for maltreated children. According to the NCJFCJ, judges in juvenile dependency courts need to feel comfortable taking a leadership role beyond their traditional role. The juvenile court judge is expected to actively develop resources and services for at-risk children and families and to encourage interagency cooperation and coordination.

Similarly, the juvenile court system is unique in its reliance on the work of a variety of nonlegal professionals—such as caseworkers, private agency social workers, and physicians—to make the most informed decisions possible about an individual child. Collaboration of these participants is necessary to get reforms under way and keep reforms moving. This collaboration is critical because these individuals share responsibility with the judiciary for providing care, representation, and protection for children removed from their homes. Two ABA reports document the importance of interdisciplinary collaboration. In 1993, the ABA's Center on Children and the Law concluded in a book for child welfare administrators that the biggest mistake made by child welfare agencies is underestimating their ability to solve problems together with the court.²⁰ According to the Center, agencies should develop well-reasoned strategies for working with the juvenile courts and give it top priority. Similarly, the ABA's 1995 report on the model juvenile court in Kent County, Michigan, found that the court's interdisciplinary efforts to resolve individual cases as well as systemic problems was a key element in its successful reform.²¹ HHS and state and local officials in all five states we visited emphasize using a team approach for identifying and implementing reforms, drawing in all relevant

¹⁹ABA, A Second Court That Works.

²⁰ABA, Center on Children and the Law, How to Work With Your Court: A Guide for Child Welfare Agency Administrators (Washington, D.C.: ABA, 1993).

²¹ABA, A Second Court That Works.

groups within the system. For example, in its CIP “Program Instruction,” HHS strongly encouraged state courts to coordinate and collaborate with other interested parties, programs, and resources, such as state child welfare agencies, guardians ad litem, and attorneys, in administering the CIP and designing new systems. Similarly, Florida CIP officials commented that the strength of the CIP program is its multidisciplinary focus. The Florida CIP assessment represented the first time all court participants had been asked their opinion about the condition of child welfare and the courts. The high level of animosity between the court and the child welfare agency has diminished, and dialogue between court participants has increased. Officials added that new child welfare legislation could not have been passed without the teamwork of the court and the child welfare agency.

Without the leadership of judges, reform efforts can fail. We found evidence of this type of failure in North Carolina, where reforms were originally scheduled for piloting in two judicial districts. Although reforms were implemented in District 20, the second district dropped out of the pilot project primarily because of a lack of judicial commitment and vision, according to a CIP document. The document outlines the problems encountered and states that although this district had other positive attributes that increased its chances of implementing successful reforms—such as cooperative working relationships between the court and the child welfare agency—the lack of complete support and commitment from the juvenile court judges impeded the district’s ability to identify common goals and priorities for change. This lack of support was manifested in several ways, including the court system’s tolerance for attorney tardiness at mediation sessions, disagreements among judges on how mediation results would be presented in court, and a lack of judges’ involvement in CIP committee meetings and training.

Baseline and Ongoing Information on Court Operations Is Necessary

State and local officials in some of the states we visited indicated that statewide baseline data on how well their courts were meeting statutory permanency time frames and on the nature of delays in the court process provided the necessary information to structure reform efforts and to convince others of the need for change. For example, Florida presented the results of its CIP assessment at a statewide summit to show participants their role in delaying case resolution. As a result, judicial officers came to understand the nature of problems in the juvenile court and how the officers contribute to delays in reaching decisions about permanent homes for children. According to a CIP official, never before has Florida experienced such judicial activism or court participants seeking

change on the basis of data and analysis. Similarly, Illinois officials indicated that the results of the statewide data collection for the CIP assessment provided the proof of what everyone suspected was wrong with the system, gave validity to the need for reform, and helped identify the types of reform needed. Judicial officers in California said the CIP assessment was potentially the most powerful document involved in getting court improvement moving.

Effectively managing abuse and neglect cases over time is essential for successful permanency planning. According to NCJFCJ, a key component of case management is the use of a monitoring and information system capable of measuring court progress in moving cases and identifying cases that have been seriously delayed, among other things. Similarly, ABA's 1992 report on the Hamilton County, Ohio, court stated that a key to this court's successful reforms was its routine collection and use of data.²² California CIP officials told us that data are critically needed because the state does not know how many children are under the jurisdiction of the court. These officials are requiring all local CIP projects to provide data because they believe such data are critical for making good decisions and policies for children.

Financial Resources Are Essential to Seed and Sustain Reform Efforts

HHS and DOJ have provided and administered funds for a variety of reforms, such as development of model courts, the Resource Guidelines, and CIPs. These funding streams are significant because experts and state and local officials agree that juvenile dependency courts have few resources to independently undertake reform activities. In 1995, ABA reported that child maltreatment cases still have low priority in most court systems, in terms of attention by court administrators, assignment of qualified judges, and allocation of resources.²³

Some state and local officials echoed this concern, adding that programs such as CIP were critical to the reform work now occurring. According to these officials and other experts, CIP provided funding to help the courts improve the handling of maltreatment cases, enabling and mandating each state to gather the necessary baseline information and orchestrate reforms. For example, a Cook County, Illinois, official told us the court had previously tried to gather baseline information about the permanency process to no avail—the project was difficult because funding was not available from federal, state, or local sources. Similarly, Florida CIP officials and court staff told us that, as a result of CIP's initiation and

²²ABA, Judicial Implementation of Permanency Planning Reform.

²³ABA, A Second Court That Works, 1995.

funding, juvenile dependency courts are in the spotlight for the first time, and judges are more interested than they were previously in implementing court improvements. These officials added that the Florida assessment would not have been possible without CIP funding and that no other entity would have funded other critical activities, such as the establishment of working groups to develop major revisions to the state's child protection statute.

Local Officials Note Progress, but Few Results Are Documented

Most sites we visited are just beginning the process of evaluating and documenting the effectiveness of implemented reforms, although progress has been made in addressing some of the problems that plague juvenile dependency courts. For example, Cook County, Illinois, has seen its court caseload drop from 58,000 in 1994 to 38,000 in 1997, and Hamilton County, Ohio's, caseload dropped from 4,000 in 1979 to 1,500 in 1995. Cook County and Hamilton County officials view the drop in caseload as an improvement in their dependency court process. In addition to smaller court caseloads, local officials told us anecdotally that other improvements are occurring, such as (1) fewer court continuances are requested, granted, or both; fewer cases are contested; and cases seem to be resolved more quickly; (2) judges are more active in cases, and court participants are working toward developing a less adversarial environment; and (3) services for the family begin earlier, and better information on the family's progress may be available for court decision-making on cases.

These improvements, however, have not been formally evaluated. Although determining the right measures for evaluation can be difficult, without this kind of information, officials are unable to determine which interventions have improved their courts and which have not. Evaluation plans in the states we visited are limited. For instance, the CIP Advisory Committees in all five states are in the early stages of developing evaluation plans. Illinois CIP officials have required all projects funded with CIP dollars to provide regular status reports and conduct an evaluation of the project. Projects previously funded are currently working on developing evaluations, and projects funded in 1998 must provide a reporting and evaluation plan to the CIP Committee before receiving the money. In addition, all projects must provide baseline data so that change can be measured. Illinois officials acknowledge that evaluation will be difficult, since several changes may be undertaken in one location and it will be hard to separate out results. In addition, good statistical data are usually lacking in the counties, which impedes baseline development.

Similarly, a Florida CIP official told us that the state plans to evaluate court improvements statewide using a self-evaluation tool sent to the local circuits. Unfortunately, judicial circuits are not required under CIP to maintain statistics, and therefore some do not.

Concluding Observations

The juvenile dependency courts face numerous systemic problems that hinder their ability to oversee, monitor, and guide decision-making to protect children and ensure that they are placed in an appropriate, permanent home. To address these problems, states and localities have initiated reforms aimed at improving the quality and timeliness of judicial decisions, in order to minimize the amount of time children spend in the foster care system. However, if the courts are to move forward in addressing children's long stays in the foster care system, they must remain cognizant of the essential reform components—such as strong judicial leadership—that we found are common to successful reform efforts. Adding to the demands of reforming dependency courts, new federal legislation poses challenges for courts in their attempts to change the way they monitor and process child maltreatment cases. ASFA requires states and localities to file a court petition to terminate the parental rights of the child's parents if the child has been in foster care for 15 of the most recent 22 months, as well as to hold the permanency planning hearing no later than 12 months after the child is considered to have entered foster care. These provisions exert new pressure on the courts to move cases more quickly and affect how the courts conduct child maltreatment proceedings. States and localities not actively engaged in reform will need to recognize the importance of identifying and implementing new ways to more quickly move children through the dependency court process and meet the requirements of this legislation. States and localities already implementing changes will need to anticipate the consequences of their reform efforts and restructure them, if necessary, so additional problems are not created. For example, as the amount of time it takes to establish plans for where children will permanently live diminishes, states and localities may see increases in the number of children for whom parental rights have been severed and for whom they will need to identify potential placements.

Agency and Other Comments

We obtained comments on a draft of this report from HHS, state CIP officials, and local judges responsible for the juvenile dependency courts in the five locations we visited. HHS commented that it has actively worked with the states to address court reform issues since the inception of CIP

and outlined a variety of activities the Department has undertaken. HHS also provided technical comments, which we incorporated where appropriate. State CIP and local officials from the five juvenile dependency courts generally agreed with the report's findings and provided technical clarifications about the reforms under way, which we also incorporated in the report as appropriate.

We are sending copies of this report to the Secretary of Health and Human Services, state CIP liaisons, state child welfare agencies, and other interested parties. Copies will also be made available to others on request. If you or your staff have any questions about this report, please call me at (202) 512-7215. Other major contributors to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in black ink, reading "Mark V. Nadel". The signature is written in a cursive, flowing style.

Mark V. Nadel
Associate Director
Income Security Issues

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Abbreviations

ABA	American Bar Association
ASFA	Adoption and Safe Families Act of 1997
CASA	court-appointed special advocate
CIP	Court Improvement Program
DOJ	Department of Justice
HHS	Department of Health and Human Services
JEMS	Juvenile Enterprise Management System
NCJFCJ	National Council of Juvenile and Family Court Judges
NCJJ	National Center for Juvenile Justice

Scope and Methodology

To determine what problems the juvenile dependency courts face, we reviewed the relevant literature and interviewed experts in the dependency court process, such as officials at national court-related organizations and researchers. We obtained the perspectives of representatives of the National Council of Juvenile and Family Court Judges (NCJFCJ), American Bar Association (ABA), National Center for Juvenile Justice, National Center for State Courts, National Court-Appointed Special Advocates (CASA) Association, National Association of State Foster Care Managers, Annie E. Casey Foundation, and Kellogg Foundation. In addition, we interviewed officials of the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Department of Health and Human Services, Children's Bureau. Finally, for the states we visited, we reviewed assessments of foster care and adoption laws and judicial processes in child maltreatment proceedings. These assessments were required under the Court Improvement Program (CIP).

To obtain first-hand information on dependency court activities, we conducted field visits in California, Florida, Illinois, North Carolina, and Ohio, where we reviewed reforms funded by CIP as well as by other programs. We chose these five locations—Santa Clara County, California; the Ninth Judicial Circuit in Florida, composed of Orange and Osceola counties; Cook County, Illinois; Judicial District 20 in North Carolina, composed of Anson, Richmond, Stanly, and Union counties; and Hamilton County, Ohio—because experts considered them to be implementing significant reforms or because CIP had been a major impetus for change there. We also chose a mix of rural, suburban, and urban locations. Florida and North Carolina were chosen because CIP had been the catalyst for change in those states. Florida's Ninth Judicial Circuit was chosen because its CIP pilot project had implemented several reforms, including several of the provisions proposed under the Adoption and Safe Families Act but not yet enacted by the Congress when Florida's pilot began in August 1997. North Carolina, a predominantly rural state, had established a CIP pilot project in Judicial District 20. We also selected three states—California, Illinois, and Ohio—that had reforms under way before CIP. California was chosen because it contained approximately 23 percent of the nation's foster care population in fiscal year 1996, and Santa Clara County, because of its history of reform since the early 1980s. The presiding judge in Santa Clara County is also seen as a leading expert in reforming child maltreatment proceedings, according to the ABA and NCJFCJ. Illinois was also chosen because of its high share of the nation's foster care population—about 9 percent in fiscal year 1996—and Cook County,

because of its urban character, known problems in the courts, and status as an NCJFCJ model court. Finally, Hamilton County, Ohio, was selected because it has been actively reforming its juvenile dependency courts since the mid-1980s and is considered a model for other courts seeking to reform.

In each state, we met with state CIP officials to obtain an overview of ongoing and planned court improvement efforts throughout the state, as well as with state child welfare officials to discuss their involvement in court reform. We also obtained state officials' views of problems in their courts and challenges that lie ahead. At the local sites we selected, we met with a variety of participants in the child welfare system, including judicial officers, attorneys, guardians ad litem, CASA representatives, court administrative staff, child welfare officials, and service providers. We discussed problems and barriers to reforms, progress achieved under the reforms in place, and remaining obstacles. Finally, we observed court child maltreatment proceedings in each site.

GAO Contacts and Staff Acknowledgments

GAO Contacts

David D. Bellis, Assistant Director, (202) 512-7278
Diana M. Pietrowiak, Evaluator-in-Charge, (202) 512-6239

Staff Acknowledgments

Ellen Soltow also made important contributions to this report.

Related GAO Products

Child Welfare: Early Experiences Implementing a Managed Care Approach
(GAO/HEHS-99-8, Oct. 21, 1998).

Foster Care: Agencies Face Challenges Securing Stable Homes for Children of Substance Abusers (GAO/HEHS-98-182, Sept. 30, 1998).

Foster Care: Challenges Faced in Implementing the Multiethnic Placement Act (GAO/T-HEHS-98-241, Sept. 15, 1998).

Foster Care: Implementation of the Multiethnic Placement Act Poses Difficult Challenges (GAO/HEHS-98-204, Sept. 14, 1998).

Parental Substance Abuse: Implications for Children, the Child Welfare System, and Foster Care Outcomes (GAO/T-HEHS-98-40, Oct. 28, 1997).

Child Protective Services: Complex Challenges Require New Strategies
(GAO/HEHS-97-115, July 21, 1997).

Foster Care: State Efforts to Improve the Permanency Planning Process Show Some Promise (GAO/HEHS-97-73, May 7, 1997).

Child Welfare: States' Progress in Implementing Family Preservation and Support Activities (GAO/HEHS-97-34, Feb. 18, 1997).

Child Welfare: Complex Needs Strain Capacity to Provide Services
(GAO/HEHS-95-208, Sept. 26, 1995).

Child Welfare: Opportunities to Further Enhance Family Preservation and Support Activities (GAO/HEHS-95-112, June 15, 1995).

Foster Care: Health Needs of Many Young Children Unknown and Unmet
(GAO/HEHS-95-114, May 26, 1995).

Foster Care: Parental Drug Use Has Alarming Impact on Young Children
(GAO/HEHS-94-89, Apr. 4, 1994).

Residential Care: Some High-Risk Youth Benefit, but More Study Needed
(GAO/HEHS-94-56, Jan. 28, 1994).

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106TH CONGRESS
1ST SESSION

S. 708

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To improve the administrative efficiency and effectiveness
of the Nation's abuse and neglect courts and the quality
and availability of training for judges, attorneys, and
volunteers working in such courts, and for other purposes
consistent with the Adoption and Safe Families Act of
1997.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Strengthening Abuse
5 and Neglect Courts Act of 1999".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Under both Federal and State law, the
2 courts play a crucial and essential role in the Na-
3 tion's child welfare system and in ensuring safety,
4 stability, and permanence for abused and neglected
5 children under the supervision of that system.

6 (2) The Adoption and Safe Families Act of
7 1997 (Public Law 105-89; 111 Stat. 2115) estab-
8 lishes explicitly for the first time in Federal law that
9 a child's health and safety must be the paramount
10 consideration when any decision is made regarding a
11 child in the Nation's child welfare system.

12 (3) The Adoption and Safe Families Act of
13 1997 promotes stability and permanence for abused
14 and neglected children by requiring timely decision-
15 making in proceedings to determine whether children
16 can safely return to their families or whether they
17 should be moved into safe and stable adoptive homes
18 or other permanent family arrangements outside the
19 foster care system.

20 (4) To avoid unnecessary and lengthy stays in
21 the foster care system, the Adoption and Safe Fami-
22 lies Act of 1997 specifically requires, among other
23 things, that States move to terminate the parental
24 rights of the parents of those children who have
25 been in foster care for 15 of the last 22 months.

1 (5) While essential to protect children and to
2 carry out the general purposes of the Adoption and
3 Safe Families Act of 1997, the accelerated timelines
4 for the termination of parental rights and the other
5 requirements imposed under that Act increase the
6 pressure on the Nation's already overburdened abuse
7 and neglect courts.

8 (6) The administrative efficiency and effective-
9 ness of the Nation's abuse and neglect courts would
10 be substantially improved by the acquisition and im-
11 plementation of computerized case-tracking systems
12 to identify and eliminate existing backlogs, to move
13 abuse and neglect caseloads forward in a timely
14 manner, and to move children into safe and stable
15 families. Such systems could also be used to evaluate
16 the effectiveness of such courts in meeting the pur-
17 poses of the amendments made by, and provisions
18 of, the Adoption and Safe Families Act of 1997.

19 (7) The administrative efficiency and effective-
20 ness of the Nation's abuse and neglect courts would
21 also be improved by the identification and implemen-
22 tation of projects designed to eliminate the backlog
23 of abuse and neglect cases, including the temporary
24 hiring of additional judges, extension of court hours,

1 and other projects designed to reduce existing case-
2 loads.

3 (8) The administrative efficiency and effective-
4 ness of the Nation's abuse and neglect courts would
5 be further strengthened by improving the quality
6 and availability of training for judges, court person-
7 nel, agency attorneys, guardians ad litem, volunteers
8 who participate in court-appointed special advocate
9 (CASA) programs, and attorneys who represent the
10 children and the parents of children in abuse and
11 neglect proceedings.

12 (9) While recognizing that abuse and neglect
13 courts in this country are already committed to the
14 quality administration of justice, the performance of
15 such courts would be even further enhanced by the
16 development of models and educational opportunities
17 that reinforce court projects that have already been
18 developed, including models for case-flow procedures,
19 case management, representation of children, auto-
20 mated interagency interfaces, and "best practices"
21 standards.

22 (10) Judges, magistrates, commissioners, and
23 other judicial officers play a central and vital role in
24 ensuring that proceedings in our Nation's abuse and
25 neglect courts are run efficiently and effectively. The

1 performance of those individuals in such courts can
2 only be further enhanced by training, seminars, and
3 an ongoing opportunity to exchange ideas with their
4 peers.

5 (11) Volunteers who participate in court-ap-
6 pointed special advocate (CASA) programs play a
7 vital role as the eyes and ears of abuse and neglect
8 courts in proceedings conducted by, or under the su-
9 pervision of, such courts and also bring increased
10 public scrutiny of the abuse and neglect court sys-
11 tem. The Nation's abuse and neglect courts would
12 benefit from an expansion of this program to cur-
13 rently underserved communities.

14 (12) Improved computerized case-tracking sys-
15 tems, comprehensive training, and development of,
16 and education on, model abuse and neglect court
17 systems, particularly with respect to underserved
18 areas, would significantly further the purposes of the
19 Adoption and Safe Families Act of 1997 by reducing
20 the average length of an abused and neglected
21 child's stay in foster care, improving the quality of
22 decision-making and court services provided to chil-
23 dren and families, and increasing the number of
24 adoptions.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (a) ABUSE AND NEGLECT COURTS.—The term
4 “abuse and neglect courts” means the State and local
5 courts that carry out State or local laws requiring proceed-
6 ings (conducted by or under the supervision of the
7 courts)—

8 (1) that implement part B and part E of title
9 IV of the Social Security Act (42 U.S.C. 620 et seq.;
10 670 et seq.) (including preliminary disposition of
11 such proceedings);

12 (2) that determine whether a child was abused
13 or neglected;

14 (3) that determine the advisability or appro-
15 priateness of placement in a family foster home,
16 group home, or a special residential care facility; or

17 (4) that determine any other legal disposition of
18 a child in the abuse and neglect court system.

19 (b) AGENCY ATTORNEY.—The term “agency attor-
20 ney” means an attorney or other individual, including any
21 government attorney, district attorney, attorney general,
22 State attorney, county attorney, city solicitor or attorney,
23 corporation counsel, or privately retained special prosecu-
24 tor, who represents the State or local agency administrat-
25 ing the programs under parts B and E of title IV of the
26 Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)

1 in a proceeding conducted by, or under the supervision of,
2 an abuse and neglect court, including a proceeding for ter-
3 mination of parental rights.

4 (c) ATTORNEY REPRESENTING A CHILD.—The term
5 “attorney representing a child” means an attorney or a
6 guardian ad litem who represents a child in a proceeding
7 conducted by, or under the supervision of, an abuse and
8 neglect court.

9 (d) ATTORNEY REPRESENTING A PARENT.—The
10 term “attorney representing a parent” means an attorney
11 who represents a parent who is an official party to a pro-
12 ceeding conducted by, or under the supervision of, an
13 abuse and neglect court.

14 **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO**
15 **AUTOMATE THE DATA COLLECTION AND**
16 **TRACKING OF PROCEEDINGS IN ABUSE AND**
17 **NEGLECT COURTS.**

18 (a) AUTHORITY TO AWARD GRANTS.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 the Attorney General, acting through the Office of
21 Juvenile Justice and Delinquency Prevention of the
22 Office of Justice Programs, shall award grants in
23 accordance with this section to State courts and
24 local courts for the purposes of—

1 (A) enabling such courts to develop and
2 implement automated data collection and case-
3 tracking systems for proceedings conducted by,
4 or under the supervision of, an abuse and ne-
5 glect court;

6 (B) encouraging the replication of such
7 systems in abuse and neglect courts in other ju-
8 risdictions; and

9 (C) requiring the use of such systems to
10 evaluate a court's performance in implementing
11 the requirements of parts B and E of title IV
12 of the Social Security Act (42 U.S.C. 620 et
13 seq.; 670 et seq.).

14 (2) LIMITATIONS.—

15 (A) NUMBER OF GRANTS.—Not less than
16 20 nor more than 50 grants may be awarded
17 under this section.

18 (B) PER STATE LIMITATION.—Not more
19 than 2 grants authorized under this section
20 may be awarded per State.

21 (C) USE OF GRANTS.—Funds provided
22 under a grant made under this section may only
23 be used for the purpose of developing, imple-
24 menting, or enhancing automated data collec-
25 tion and case-tracking systems for proceedings

1 conducted by, or under the supervision of, an
2 abuse and neglect court.

3 (b) APPLICATION.—

4 (1) IN GENERAL.—A State court or local court
5 may submit an application for a grant authorized
6 under this section at such time and in such manner
7 as the Attorney General may determine.

8 (2) INFORMATION REQUIRED.—An application
9 for a grant authorized under this section shall con-
10 tain the following:

11 (A) A description of a proposed plan for
12 the development, implementation, and mainte-
13 nance of an automated data collection and case-
14 tracking system for proceedings conducted by,
15 or under the supervision of, an abuse and ne-
16 glect court, including a proposed budget for the
17 plan and a request for a specific funding
18 amount.

19 (B) A description of the extent to which
20 such plan and system are able to be replicated
21 in abuse and neglect courts of other jurisdic-
22 tions that specifies the common case-tracking
23 data elements of the proposed system, includ-
24 ing, at a minimum—

1 (i) identification of relevant judges,
2 court, and agency personnel;

3 (ii) records of all court proceedings
4 with regard to the abuse and neglect case,
5 including all court findings and orders
6 (oral and written); and

7 (iii) relevant information about the
8 subject child, including family information
9 and the reason for court supervision.

10 (C) In the case of an application submitted
11 by a local court, a description of how the plan
12 to implement the proposed system was devel-
13 oped in consultation with related State courts,
14 particularly with regard to a State court im-
15 provement plan funded under section 13712 of
16 the Omnibus Budget Reconciliation Act of 1993
17 (42 U.S.C. 670 note) if there is such a plan in
18 the State.

19 (D) In the case of an application that is
20 submitted by a State court, a description of
21 how the proposed system will integrate with a
22 State court improvement plan funded under
23 section 13712 of such Act if there is such a
24 plan in the State.

1 (E) After consultation with the State agen-
2 cy responsible for the administration of parts B
3 and E of title IV of the Social Security Act (42
4 U.S.C. 620 et seq.; 670 et seq.)—

5 (i) a description of the coordination of
6 the proposed system with other child wel-
7 fare data collection systems, including the
8 Statewide automated child welfare infor-
9 mation system (SACWIS) and the adop-
10 tion and foster care analysis and reporting
11 system (AFCARS) established pursuant to
12 section 479 of the Social Security Act (42
13 U.S.C. 679); and

14 (ii) an assurance that such coordina-
15 tion will be implemented and maintained.

16 (F) Identification of an independent third
17 party that will conduct ongoing evaluations of
18 the feasibility and implementation of the plan
19 and system and a description of the plan for
20 conducting such evaluations.

21 (G) A description or identification of a
22 proposed funding source for completion of the
23 plan (if applicable) and maintenance of the sys-
24 tem after the conclusion of the period for which
25 the grant is to be awarded.

1 (H) An assurance that any contract en-
2 tered into between the State court or local court
3 and any other entity that is to provide services
4 for the development, implementation, or mainte-
5 nance of the system under the proposed plan
6 will require the entity to agree to allow for rep-
7 lication of the services provided, the plan, and
8 the system, and to refrain from asserting any
9 proprietary interest in such services for pur-
10 poses of allowing the plan and system to be rep-
11 licated in another jurisdiction.

12 (I) An assurance that the system estab-
13 lished under the plan will provide data that al-
14 lows for evaluation (at least on an annual basis)
15 of the following information:

16 (i) The total number of cases that are
17 filed in the abuse and neglect court.

18 (ii) The number of cases assigned to
19 each judge who presides over the abuse
20 and neglect court.

21 (iii) The average length of stay of
22 children in foster care.

23 (iv) With respect to each child under
24 the jurisdiction of the court—

1 (I) the number of episodes of
2 placement in foster care;

3 (II) the number of days placed in
4 foster care and the type of placement
5 (foster family home, group home, or
6 special residential care facility);

7 (III) the number of days of in-
8 home supervision; and

9 (IV) the number of separate fos-
10 ter care placements.

11 (v) The number of adoptions,
12 guardianships, or other permanent disposi-
13 tions finalized.

14 (vi) The number of terminations of
15 parental rights.

16 (vii) The number of child abuse and
17 neglect proceedings closed that had been
18 pending for 2 or more years.

19 (viii) With respect to each proceeding
20 conducted by, or under the supervision of,
21 an abuse and neglect court—

22 (I) the timeliness of each stage of
23 the proceeding from initial filing
24 through legal finalization of a perma-

1 nency plan (for both contested and
2 uncontested hearings);

3 (II) the number of adjournments,
4 delays, and continuances occurring
5 during the proceeding, including iden-
6 tification of the party requesting each
7 adjournment, delay, or continuance
8 and the reasons given for the request;

9 (III) the number of courts that
10 conduct or supervise the proceeding
11 for the duration of the abuse and ne-
12 glect case;

13 (IV) the number of judges as-
14 signed to the proceeding for the dura-
15 tion of the abuse and neglect case;
16 and

17 (V) the number of agency attor-
18 neys, children's attorneys, parent's at-
19 torneys, guardians ad litem, and vol-
20 unteers participating in a court-ap-
21 pointed special advocate (CASA) pro-
22 gram assigned to the proceeding dur-
23 ing the duration of the abuse and ne-
24 glect case.

1 (J) A description of how the proposed sys-
2 tem will reduce the need for paper files and en-
3 sure prompt action so that cases are appro-
4 priately listed with national and regional adop-
5 tion exchanges, and public and private adoption
6 services.

7 (K) An assurance that the data collected in
8 accordance with subparagraph (I) will be made
9 available to relevant Federal, State, and local
10 government agencies and to the public.

11 (L) An assurance that the proposed system
12 is consistent with other civil and criminal infor-
13 mation requirements of the Federal govern-
14 ment.

15 (M) An assurance that the proposed sys-
16 tem will provide notice of timeframes required
17 under the Adoption and Safe Families Act of
18 1997 (Public Law 105-89; 111 Stat. 2115) for
19 individual cases to ensure prompt attention and
20 compliance with such requirements.

21 (c) CONDITIONS FOR APPROVAL OF APPLICA-
22 TIONS.—

23 (1) MATCHING REQUIREMENT.—

24 (A) IN GENERAL.—A State court or local
25 court awarded a grant under this section shall

1 expend \$1 for every \$3 awarded under the
2 grant to carry out the development, implemen-
3 tation, and maintenance of the automated data
4 collection and case-tracking system under the
5 proposed plan.

6 (B) WAIVER FOR HARDSHIP.—The Attor-
7 ney General may waive or modify the matching
8 requirement described in subparagraph (A) in
9 the case of any State court or local court that
10 the Attorney General determines would suffer
11 undue hardship as a result of being subject to
12 the requirement.

13 (C) NON-FEDERAL EXPENDITURES.—

14 (i) CASH OR IN KIND.—State court or
15 local court expenditures required under
16 subparagraph (A) may be in cash or in
17 kind, fairly evaluated, including plant,
18 equipment, or services.

19 (ii) NO CREDIT FOR PRE-AWARD EX-
20 PENDITURES.—Only State court or local
21 court expenditures made after a grant has
22 been awarded under this section may be
23 counted for purposes of determining
24 whether the State court or local court has

1 satisfied the matching expenditure require-
2 ment under subparagraph (A).

3 (2) NOTIFICATION TO STATE OR APPROPRIATE
4 CHILD WELFARE AGENCY.—No application for a
5 grant authorized under this section may be approved
6 unless the State court or local court submitting the
7 application demonstrates to the satisfaction of the
8 Attorney General that the court has provided the
9 State, in the case of a State court, or the appro-
10 priate child welfare agency, in the case of a local
11 court, with notice of the contents and submission of
12 the application.

13 (3) CONSIDERATIONS.—In evaluating an appli-
14 cation for a grant under this section the Attorney
15 General shall consider the following:

16 (A) The extent to which the system pro-
17 posed in the application may be replicated in
18 other jurisdictions.

19 (B) The extent to which the proposed sys-
20 tem is consistent with the provisions of, and
21 amendments made by, the Adoption and Safe
22 Families Act of 1997 (Public Law 105–89; 111
23 Stat. 2115), and parts B and E of title IV of
24 the Social Security Act (42 U.S.C. 620 et seq.;
25 670 et seq.).

1 (C) The extent to which the proposed sys-
2 tem is feasible and likely to achieve the pur-
3 poses described in subsection (a)(1).

4 (4) DIVERSITY OF AWARDS.—The Attorney
5 General shall award grants under this section in a
6 manner that results in a reasonable balance among
7 grants awarded to State courts and grants awarded
8 to local courts, grants awarded to courts located in
9 urban areas and courts located in rural areas, and
10 grants awarded in diverse geographical locations.

11 (d) LENGTH OF AWARDS.—No grant may be award-
12 ed under this section for a period of more than 5 years.

13 (e) AVAILABILITY OF FUNDS.—Funds provided to a
14 State court or local court under a grant awarded under
15 this section shall remain available until expended without
16 fiscal year limitation.

17 (f) REPORTS.—

18 (1) ANNUAL REPORT FROM GRANTEEES.—Each
19 State court or local court that is awarded a grant
20 under this section shall submit an annual report to
21 the Attorney General that contains—

22 (A) a description of the ongoing results of
23 the independent evaluation of the plan for, and
24 implementation of, the automated data collec-

1 tion and case-tracking system funded under the
2 grant; and

3 (B) the information described in subsection
4 (b)(2)(I).

5 (2) INTERIM AND FINAL REPORTS FROM AT-
6 TORNEY GENERAL.—

7 (A) INTERIM REPORTS.—Beginning 2
8 years after the date of enactment of this Act,
9 and biannually thereafter until a final report is
10 submitted in accordance with subparagraph
11 (B), the Attorney General shall submit to Con-
12 gress interim reports on the grants made under
13 this section.

14 (B) FINAL REPORT.—Not later than 90
15 days after the termination of all grants awarded
16 under this section, the Attorney General shall
17 submit to Congress a final report evaluating the
18 automated data collection and case-tracking
19 systems funded under such grants and identify-
20 ing successful models of such systems that are
21 suitable for replication in other jurisdictions.
22 The Attorney General shall ensure that a copy
23 of such final report is transmitted to the high-
24 est State court in each State.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section,
3 \$10,000,000 for the period of fiscal years 2000 through
4 2004.

5 **SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF**
6 **ABUSE AND NEGLECT CASES TO PROMOTE**
7 **PERMANENCY FOR ABUSED AND NEGLECTED**
8 **CHILDREN.**

9 Part E of title IV of the Social Security Act (42
10 U.S.C. 670 et seq.) is amended by adding at the end the
11 following:

12 **“SEC. 479B. GRANTS TO REDUCE BACKLOGS OF ABUSE AND**
13 **NEGLECT CASES.**

14 “(a) IN GENERAL.—Subject to the amount appro-
15 priated under subsection (f), the Secretary shall make
16 grants to State courts or local courts for the purposes of—

17 “(1) promoting the permanency goals estab-
18 lished in the Adoption and Safe Families Act of
19 1997 (Public Law 105–89; 111 Stat. 2115); and

20 “(2) enabling such courts to reduce existing
21 backlogs of cases pending in abuse and neglect
22 courts, especially with respect to cases to terminate
23 parental rights and cases in which parental rights to
24 a child have been terminated but an adoption of the
25 child has not yet been finalized.

1 “(b) APPLICATION.—A State court or local court
2 shall submit an application for a grant under this section,
3 in such form and manner as the Secretary shall require,
4 that contains a description of the following:

5 “(1) The barriers to achieving the permanency
6 goals established in the Adoption and Safe Families
7 Act of 1997 that have been identified.

8 “(2) The size and nature of the backlogs of
9 children awaiting termination of parental rights or
10 finalization of adoption.

11 “(3) The strategies the State court or local
12 court proposes to use to reduce such backlogs and
13 the plan and timetable for doing so.

14 “(4) How the grant funds requested will be
15 used to assist the implementation of the strategies
16 described in paragraph (3).

17 “(c) USE OF FUNDS.—Funds provided under a grant
18 awarded under this section may be used for any purpose
19 that the Secretary determines is likely to successfully
20 achieve the purposes described in subsection (a), including
21 temporarily—

22 “(1) establishing night court sessions for abuse
23 and neglect courts;

1 “(2) hiring additional judges, magistrates, com-
2 missioners, hearing officers, referees, special mas-
3 ters, and other judicial personnel for such courts;

4 “(3) hiring personnel such as clerks, adminis-
5 trative support staff, case managers, mediators, and
6 attorneys for such courts; or

7 “(4) extending the operating hours of such
8 courts.

9 “(d) NUMBER OF GRANTS.—Not less than 15 nor
10 more than 20 grants shall be awarded under this section.

11 “(e) AVAILABILITY OF FUNDS.—Funds awarded
12 under a grant made under this section shall remain avail-
13 able for expenditure by a grantee for a period not to ex-
14 ceed 3 years from the date of the grant award.

15 “(f) REPORT ON USE OF FUNDS.—Not later than the
16 date that is halfway through the period for which a grant
17 is awarded under this section, and 90 days after the end
18 of such period, a State court or local court awarded a
19 grant under this section shall submit a report to the Sec-
20 retary that includes the following:

21 “(1) The barriers to the permanency goals es-
22 tablished in the Adoption and Safe Families Act of
23 1997 that are or have been addressed with grant
24 funds.

1 “(2) The nature of the backlogs of children that
2 were pursued with grant funds.

3 “(3) The specific strategies used to reduce such
4 backlogs.

5 “(4) The progress that has been made in reduc-
6 ing such backlogs, including the number of children
7 in such backlogs—

8 “(A) whose parental rights have been ter-
9 minated; and

10 “(B) whose adoptions have been finalized.

11 “(5) Any additional information that the Sec-
12 retary determines would assist jurisdictions in
13 achieving the permanency goals established in the
14 Adoption and Safe Families Act of 1997.

15 “(g) DEFINITION OF ABUSE AND NEGLECT COURT.—
16 In this section, the term ‘abuse and neglect court’ has the
17 meaning given that term in section 3(a) of the Strengthen-
18 ing Abuse and Neglect Courts Act of 1999.

19 “(h) APPROPRIATION.—Out of any money in the
20 Treasury of the United States not otherwise appropriated,
21 there are appropriated for fiscal year 2000 \$10,000,000
22 for the purpose of making grants under this section.”.

1 **SEC. 6. TRAINING IN CHILD ABUSE AND NEGLECT PRO-**
2 **CEEDINGS.**

3 (a) IN GENERAL.—Section 474(a)(3) of the Social
4 Security Act (42 U.S.C. 674(a)(3)) is amended—

5 (1) by redesignating subparagraphs (C), (D),
6 and (E) as subparagraphs (D), (E), and (F), respec-
7 tively; and

8 (2) by inserting after subparagraph (B), the
9 following:

10 “(C) 75 percent of so much of such ex-
11 penditures as are for the training (including
12 cross-training with personnel employed by, or
13 under contract with, the State or local agency
14 administering the plan in the political subdivi-
15 sion, training on topics relevant to the legal
16 representation of clients in proceedings con-
17 ducted by or under the supervision of an abuse
18 and neglect court (as defined in section 3(a) of
19 the Strengthening Abuse and Neglect Courts
20 Act of 1999), and training on related topics
21 such as child development and the importance
22 of developing a trusting relationship with a
23 child) of judges, judicial personnel, law enforce-
24 ment personnel, agency attorneys (as defined in
25 section 3(b) of such Act), attorneys represent-
26 ing parents in proceedings conducted by, or

1 under the supervision of, an abuse and neglect
2 court (as so defined), attorneys representing
3 children in such proceedings, guardians ad
4 litem, and volunteers who participate in court-
5 appointed special advocate (CASA) programs,
6 to the extent such training is related to provi-
7 sions of, and amendments made by, the Adop-
8 tion and Safe Families Act of 1997 (Public
9 Law 105–89; 111 Stat. 2115), provided that
10 any such training that is offered to judges or
11 other judicial personnel shall be offered by, or
12 under contract with, the State or local agency
13 in collaboration with the judicial conference or
14 other appropriate judicial governing body oper-
15 ating in the State.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 473(a)(6)(B) of such Act (42
18 U.S.C. 673(a)(6)(B)) is amended by striking
19 “474(a)(3)(E)” and inserting “474(a)(3)(F)”.

20 (2) Section 474(a)(3)(D) of such Act (42
21 U.S.C. 674(a)(3)(D)) (as redesignated by paragraph
22 (1)(A)) is amended by striking “subparagraph (C)”
23 and inserting “subparagraph (D)”.

1 (3) Section 474(c) of such Act (42 U.S.C.
2 674(c)) is amended by striking “subsection
3 (a)(3)(C)” and inserting “subsection (a)(3)(D)”.

4 **SEC. 7. STATE STANDARDS FOR AGENCY ATTORNEYS.**

5 Section 471(a) of the Social Security Act (42 U.S.C.
6 671(a)) is amended—

7 (1) in paragraph (22), by striking “and” at the
8 end;

9 (2) in paragraph (23), by striking the period
10 and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(24) provides that, not later than January 1,
13 2001, the State shall develop and encourage the im-
14 plementation of guidelines for all agency attorneys
15 (as defined in section 3(b) of the Strengthening
16 Abuse and Neglect Courts Act of 1999), including
17 legal education requirements for such attorneys re-
18 garding the handling of abuse, neglect, and depend-
19 ency proceedings.”.

20 **SEC. 8. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NE-**
21 **GLECT, AND DEPENDENCY MATTERS.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services, in coordination with the Attorney Gen-
24 eral, shall provide the technical assistance, training, and
25 evaluations authorized under this section through grants,

1 contracts, or cooperative arrangements with other entities,
2 including universities, and national, State, and local orga-
3 nizations. The Secretary of Health and Human Services
4 and the Attorney General should ensure that entities that
5 have not had a previous contractual relationship with the
6 Department of Health and Human Services, the Depart-
7 ment of Justice, or another Federal agency can compete
8 for grants for technical assistance, training, and evalua-
9 tions.

10 (b) PURPOSE.—Technical assistance shall be pro-
11 vided under this section for the purpose of supporting and
12 assisting State and local courts that handle child abuse,
13 neglect, and dependency matters to effectively carry out
14 new responsibilities enacted as part of the Adoption and
15 Safe Families Act of 1997 (Public Law 105–89; 111 Stat.
16 2115) and to speed the process of adoption of children
17 and legal finalization of permanent families for children
18 in foster care by improving practices of the courts involved
19 in that process.

20 (c) ACTIVITIES.—Technical assistance consistent
21 with the purpose described in subsection (b) may be pro-
22 vided under this section through the following:

23 (1) The dissemination of information, existing
24 and effective models, and technical assistance to
25 State and local courts that receive grants under sec-

1 tion 4 concerning the automated data collection and
2 case-tracking systems and outcome measures re-
3 quired under that section.

4 (2) The provision of specialized training on
5 child development that is appropriate for judges, ref-
6 erees, nonjudicial decision-makers, administrative,
7 and other court-related personnel, and for agency at-
8 torneys, attorneys representing children, guardians
9 ad litem, volunteers who participate in court-ap-
10 pointed special advocate (CASA) programs, or par-
11 ents.

12 (3) The provision of assistance and dissemina-
13 tion of information about best practices of abuse and
14 neglect courts for effective case management strate-
15 gies and techniques, including automated data col-
16 lection and case-tracking systems, assessments of
17 caseload and staffing levels, management of court
18 dockets, timely decision-making at all stages of a
19 proceeding conducted by, or under the supervision
20 of, an abuse and neglect court, and the development
21 of streamlined case flow procedures, case manage-
22 ment models, early case resolution programs, mecha-
23 nisms for monitoring compliance with the terms of
24 court orders, models for representation of children,
25 automated interagency interfaces between data

1 bases, and court rules that facilitate timely case
2 processing.

3 (4) The development and dissemination of
4 training models for judges, attorneys representing
5 children, agency attorneys, guardians ad litem, and
6 volunteers who participate in court-appointed special
7 advocate (CASA) programs.

8 (5) The development of standards of practice
9 for agency attorneys, attorneys representing chil-
10 dren, guardians ad litem, volunteers who participate
11 in court-appointed special advocate (CASA) pro-
12 grams, and parents in such proceedings.

13 (d) TRAINING REQUIREMENT.—Any training offered
14 in accordance with this section to judges or other judicial
15 personnel shall be offered in collaboration with the judicial
16 conference or other appropriate judicial governing body
17 operating with respect to the State in which the training
18 is offered.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to carry out this section \$5,000,000 for the pe-
21 riod of fiscal years 2000 through 2004.

1 **SEC. 9. GRANTS TO EXPAND THE COURT-APPOINTED SPE-**
2 **CIAL ADVOCATE PROGRAM IN UNDERSERVED**
3 **AREAS.**

4 (a) GRANTS TO EXPAND CASA PROGRAMS IN UN-
5 DERSERVED AREAS.—The Administrator of the Office of
6 Juvenile Justice and Delinquency Prevention of the De-
7 partment of Justice shall make a grant to the National
8 Court-Appointed Special Advocate Association for the pur-
9 poses of—

10 (1) expanding the recruitment of, and building
11 the capacity of, court-appointed special advocate
12 programs located in the 15 largest urban areas;

13 (2) developing regional, multijurisdictional
14 court-appointed special advocate programs serving
15 rural areas; and

16 (3) providing training and supervision of volun-
17 teers in court-appointed special advocate programs.

18 (b) LIMITATION ON ADMINISTRATIVE EXPENDI-
19 TURES.—Not more than 5 percent of the grant made
20 under this subsection may be used for administrative ex-
21 penditures.

22 (c) DETERMINATION OF URBAN AND RURAL
23 AREAS.—For purposes of administering the grant author-
24 ized under this subsection, the Administrator of the Office
25 of Juvenile Justice and Delinquency Prevention of the De-
26 partment of Justice shall determine whether an area is

1 one of the 15 largest urban areas or a rural area in ac-
2 cordance with the practices of, and statistical information
3 compiled by, the Bureau of the Census.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to make the grant author-
6 ized under this section, \$5,000,000 for fiscal year 2000.



Strengthening Abuse and Neglect Courts Act
March 24, 1999
Statement by Senator John D. Rockefeller IV

Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DEWINE in his introduction of the *Strengthening Abuse and Neglect Courts Act*. I would like to thank Mr. DEWINE for his leadership on behalf of vulnerable children, including our bipartisan work on this legislation. Work on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act.

A unique bipartisan coalition formed in 1997 worked hard to forge consensus on the Adoption and Safe Families Act of 1997. This law, for the first time ever, establishes that a child's health and safety must be paramount when any decisions are made regarding children in the abuse and neglect system. The law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade. It promotes safety, stability and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months.

Throughout the process of developing the Adoption Act we heard about the vital role the Nation's abuse and neglect courts play in achieving the goals of safety and permanence for children. We also heard that these courts were seriously overburdened and challenged by insufficient resources. Now, nearly a year and a half after the passage of the law, courts are struggling to meet the guidelines. Judges and child welfare professionals in my state of West Virginia tell me that the law is helping move children through the system more quickly, that the accelerated timelines are, indeed, essential for the protection of children, and that the effect of this is that the courts are becoming even more overburdened. We are hearing this same type of feedback from other judges and child advocates around the country.

These courts - and the judges, lawyers and other court personnel -- make some of the most difficult and important decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations require the appropriate level of information, thoughtfulness and care. Judges throughout the country, like West Virginia's Chief Justice Margaret Workman, are committed to the fair and efficient administration of justice in these cases. In 1987, just over 2 million children, nationally, were reported abused or neglected. By 1997, this number had swelled to

well over 3 million children. During this period, my own state of West Virginia experienced a 100% increase in child abuse cases. These staggering increases in child abuse have placed an unconscionable burden on these courts.

Working within their own communities, judges, attorneys, volunteers from the Court Appointed Special Advocates (CASA) programs and others have found creative and effective new ways to eliminate their caseload backlogs and move children more efficiently and safely through the court system. In West Virginia, Judge Workman and others have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinnati, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

Even when courts have the dedication and initiative to implement these innovative reforms, they simply cannot do it without sufficient resources. The purpose of the *Strengthening Abuse and Neglect Courts Act* is to help remove the burdens on an even greater number of courts by increasing both their efficiency and their effectiveness. The bill provides much needed resources and allows state and local communities the flexibility to develop their own solutions to administrative problems and caseload backlogs. In January of this year, the General Accounting Office released a report conducted at the request of Ways and Means Subcommittee on Human Resources Chairman Shaw, which concluded that there are three essential ingredients for successful court reform, all of which are incorporated in this Act. There are four ways this bill will help abuse and neglect courts better serve children and families.

The bill first provides a program of grants to states and local courts for the implementation of computerized case-tracking systems, similar to the one Judge Grossman created in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. When courts have such "user-friendly" access to vital case information children truly benefit - they move more quickly through foster care and on to adoptive homes or other permanent placements. This grant program will enable state and local courts to design similar computer systems, to replicate models that have proven successful in other jurisdictions and to receive technical assistance as they implement their new programs.

A second important provision of the bill is the grant program that provides State and local courts the resources they need to eliminate the backlog of abuse and neglect cases. Throughout the discussions on the Adoption and Safe Families Act, we heard from dozens of judges and advocates who said that far and away the biggest problem facing their courts was the overwhelming backlog of these cases. Without creative ways to eliminate these backlogs, and with the tightened timeframes we created with the new law, the judges emphasized that children's cases will simply not move through the court system in a timely manner. Each court may have their own effective approach to eliminating such backlogs. For some, hiring

additional staff may be necessary. For others, creating a "Night Court" or "Saturday Court" to hear these cases would work. Still others may need to restructure duties of court personnel. This bill will provide grants to those court projects that are designed to result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future.

The Strengthening Abuse and Neglect Courts Act also recognizes that judges, attorneys, court personnel, law enforcement representatives, guardians-ad-litem and all others who participate in abuse and neglect proceedings can benefit from continuing education opportunities, improved training and the development of models for effective practice in these settings. The Act, therefore, extends federal reimbursement for training that is currently provided to agency caseworkers to judges, attorneys and key court personnel who must make decision effecting the lives and future of vulnerable children. In addition to this basic, necessary training for court personnel, we hope it will also foster cooperation between child welfare agencies and court personnel that is imperative to make the system work to ensure the health and safety of children.

Finally, the bill provides for an expansion of the successful CASA - Court Appointed Special Advocates - volunteer program. This superb volunteer program has demonstrated its ability to improve outcomes for abused and neglected children. CASA are volunteers specially trained to speak for the best interests of children who have been abused or neglected. There are over 710 CASA programs nationwide, whose volunteers represented nearly 200,000 children last year alone. Recently, the Department of Justice recognized CASA as an "Exemplary Program". CASA has been operating in West Virginia since 1991 with programs currently serving children in 13 of our counties. Of course, there is more work to be done so that children in all 55 West Virginia counties, and all under-served areas throughout the country can benefit from the services of these trained and dedicated volunteers. In fact, despite CASA's phenomenal volunteer commitment and national praise by courts, and community leaders, 70% of the children in foster care are still without CASA representation. This bill will begin to address this gap by providing a \$5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers.

When we talk about how to help abused and neglected children in this country, our abuse and neglect courts are too often left out of the discussion. With the numbers of abused and neglected children rising dramatically - in West Virginia alone child abuse reports have doubled - from 13,000 in 1986 to over 26,000 in 1996 - we need to include every system in our efforts to make a difference. The courts play a crucial role and I am confident that the Strengthening Abuse and Neglect Courts Act will be a valuable step in making our courts stronger, more efficient and more able to effectively address the needs of our Nation's most vulnerable children. I ask that my colleagues join us in this important effort.

I ask that the text of my statement and a fact sheet about the bill be printed into the record.

proper constitutional authority and reject—not ratify—this unconstitutional tax.

By Ms. SNOWE (for herself, Mrs. HUTCHISON, Mrs. MURRAY, Ms. MIKULSKI, Mrs. BOXER, Ms. COLLINS, Mr. ROCKEFELLER, Mr. REID, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. ASHCROFT, Mr. DODD, Mr. DURBIN, Mr. TORRICELLI, Mr. INOUE, Mr. LIEBERMAN, and Mr. SARBANES):

S. 706. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Rules and Administration.

ADVISORY COMMITTEE FOR THE NATIONAL MUSEUM OF WOMEN'S HISTORY

• Ms. SNOWE. Mr. President, in honor of Women's History Month, today I am introducing legislation to create an Advisory Committee for the National Museum of Women's History. I am pleased to be joined by 17 of my colleagues: Senators HUTCHISON, MURRAY, MIKULSKI, BOXER, COLLINS, ROCKEFELLER, REID, BIDEN, AKAKA, KERRY (MA), ASHCROFT, DODD, DURBIN, TORRICELLI, INOUE, LIEBERMAN, and SARBANES.

For far too long, women have contributed to history, but have largely been forgotten in our history books, in our monuments, and in our museums. It is long past time that the roles women have played be removed from the shadows of indifference and given a place where they can shine.

The bill we are introducing today will create a 26 member Advisory Committee to look at the following three issues and report back to Congress concerning (1) identification of a site for the museum in the District of Columbia; (2) development of a business plan to allow the creation and maintenance of the museum to be done solely with private contributions and 3) assistance with the collection and program of the museum.

It is important to note that this bill does not commit Congress to spending any money for this museum. The Committee's report will tell us the feasibility of funding the museum privately. And I believe that the Museum's Board has shown that they have the ability to do just that.

The concept for the National Museum of Women's History (NMWH) was created back in 1996. Since that time, the Board of Directors, lead by President Karen Staser, has worked tirelessly to build support and interest for this project. And judging by the fact that they have raised more than \$10.5 million for the project, lent their support to the moving of the Suffragette statue from the crypt to the Rotunda, and raised \$85,000 for that effort, I'd say they are well on their way to success.

They have also spent a lot of time answering the question "why do we need a women's museum when we have

the Smithsonian." The first answer to that comes from Edith Mayo, Curator Emeritus of the Smithsonian National Museum of American History, who notes that since 1963 only two exhibits—two—were dedicated to the role of women in history.

The fact is, in the story of America's success, the chapter on women's contributions has largely been left on the editing room floor. Here's what I mean: Many of us know that women fought and got the vote in 1920, with the ratification of the 19th Amendment to the Constitution. But how many know that Wyoming gave women the right to vote in 1869, 51 years earlier, and that by 1900 Utah, Colorado and Idaho had granted women the right to vote? Or that the suffragette movement took 72 years to meet its goal? And few know that the women of Utah sewed dresses made from silk for the Suffragettes on their cross country tour.

History is filled with other little known but significant milestones: like the first woman elected to the United States Senate was Hattie Wyatt Caraway from Louisiana in 1932. That Margaret Chase Smith, from my home state of Maine, was the first woman elected to the US Senate in her own right in 1948, and in 1962 became the first woman to run for the US Presidency in the primaries of a major political party. Or that the first female cabinet member was Frances Perkins, Secretary of Labor for FDR.

How many people know that Margaret Reha Seddon was the first US woman to achieve the full rank of astronaut, and flew her first space mission aboard the Space Shuttle "Discovery" in 1985, twenty three years after the distinguished former Senator from the State of Ohio, John Glenn completed his historic first flight in space?

And I can guarantee you more people know the last person to hit over .400 in baseball—Ted Williams—than can name the first woman elected to Congress—Jeannette Rankin of Montana, who was elected in 1916, four years before ratification of the 19th Amendment gave women the right to vote.

Hardly household names. But they should be. And with a place to showcase their accomplishments, perhaps one day they will take their rightful place beside America's greatest minds, visionary leaders, and groundbreaking figures. But until then, we have a long way to go.

Whatever period of history you chose—women played a role. Sybil Ludington, a 16-year-old, rode through parts of New York and Connecticut in April of 1777 to warn that the Redcoats were coming. Sacajawea, the Shoshone Indian guide, helped escort Lewis and Clark on their 8000 mile expedition. Rosa Parks, Jo Ann Robinson and Myrtle Evers played important roles in the civil rights movement in the 50's and 60's. And as we move into the 21st century, the role of women—who now make up 52 percent of the population—

will continue to be integral to the future success of this country.

In fact the real question about the building of a women's museum is not so much where it will be built—although that remains to be explored. And it's not even who will pay for it—as I've said, it will be done entirely with private funds. The real question when it comes to a museum dedicated to women's history is, where will they put it all!

I would argue that we have a solemn responsibility to teach our children, and ourselves, about our rich past—and that includes the myriad contributions of women, in all fields and every endeavor. These women can serve as role models and inspire our youth. They can teach us about our past and guide us into our future. They can even prompt young women to consider a career in public service—as Senator Smith of Maine did for me.

Instead, today in America, more young women probably know the names of the latest super models than the names of the female members of this Administration's Cabinet. That is why we need a National Museum of Women's History, that is why I am proud to sponsor this legislation, and that is why I hope that my colleagues will join us in supporting the creation of this Advisory Committee as a first step toward writing the forgotten chapters of the history of our nation. •

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, and Mr. KERREY):

S. 708. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 1999

Mr. DEWINE. Mr. President, I rise today to introduce the Strengthening Abuse and Neglect Courts Act of 1999, a bill to improve the administrative efficiency and effectiveness of the juvenile and family courts, as well as the quality and availability of training for judges, attorneys and guardian ad litem. I am joined in this introduction by Senator ROCKEFELLER, and I thank him for all of his hard work on behalf of abused and neglected children and I look forward to working with him as we move forward with this legislation.

I have been involved with children's issues for over two decades, not just as the father of eight, but also as a local county elected official. I know the kinds of problems that exist at the ground level, and I think it's very important that we work together to address them.

This is especially true today, as opposed to a couple of years ago, because the child welfare agencies and the

courts have an important new task—the implementation of the Adoption and Safe Families Act.

Almost one and a half years ago, Congress passed this historic piece of legislation, which was designed to encourage safe and permanent family placements for abused and neglected children—and to decrease the amount of time that a child spends in the foster care system. With this law, we make it clear that the health and safety of the child must come first when making any decision for a child in the abuse and neglect system. This law shortens the time line for children in foster care. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for 15 of the last 22 months.

These timelines are very important. Foster care was meant to be a temporary solution—but for too many children foster care has become a way of life. However, the institution of these timelines has created additional pressure on an already overburdened court system.

To give you an idea of the burden that already exists, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases.

A September 1997 report by the Fund for Modern Courts found that Family Court judges were overburdened and forced to provide, quote, “assembly line justice”—because they only had a few minutes to review each case. The report found that in Brooklyn, cases receive an average of 4 minutes before a judge on a first appearance and little more than 11 minutes on subsequent appearances. The report concluded that, quote: “It is easy to understand how a tragedy can result from decisions made based on so little actual time in court.” End of quote.

And that's not the only problem in the system. In Cuyahoga County, Ohio, the juvenile court identified 3,000 cases that were open, but inactive. In most of these cases, the child had been charged with a minor crime, but never had his or her case scheduled for trial. But more than 100 of these cases involved children who remained in foster care for months or even years, despite the fact that a judge had ordered them to be returned home to their parents.

Another problem faced in Cuyahoga County, and in many other places, is the missing file. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a Dickensian nightmare of paperwork.

And you also have to wonder where the lawyers, case workers and guard-

ians for these children were—and what they were doing as these cases dragged on for months or even years longer than necessary. It is a symptom of the overburdened child welfare system and the lack of resources available for everyone involved—the child welfare agencies, the attorneys, the guardians, the courts. It's not their fault, but it's not tolerable either.

We, collectively—as public servants, and as a society—must do better.

Some abuse and neglect courts have already found innovative ways to eliminate their backlog of cases and move children toward permanency. One example is in Hamilton County, Ohio, where the Juvenile Court, under the leadership of Judge David Grossmann, has instituted a system that successfully has reduced the amount of time a child spends in care. Hamilton County added hearing officers so that more time could be spent on each case—leading to better quality decision making and reduced case loads. The court also developed a computer tracking system so that the judge could have essential information on each case at his or her fingertips, and the “missing file” would no longer be a bar to permanency.

The state of Connecticut has also created an innovative way of dealing with the backlog of cases in its child welfare system. The Child Protection Session is a court dedicated to settling the most difficult abuse and neglect cases—contested cases of abuse and neglect and termination of parental rights proceedings. Connecticut has recognized that these types of cases need to be handled expeditiously, and as a result of the special session, these cases are now being handled in months, rather than years, to the benefit of all of the children involved.

The General Accounting Office (GAO) recently reported to Congress the results of its review of juvenile and family courts performance in achieving permanency for children. GAO identified three elements that are essential to successful court reform.

(1) Judicial leadership and collaboration among the child welfare participants.

(2) Timely information regarding the court's operations and processing of cases; and

(3) Sufficient financial resources to initiate and sustain reform.

The Strengthening Abuse and Neglect Courts Act of 1999 incorporates all of these elements. The bill provides competitive grants to courts to create computerized case tracking systems and to encourage the replication and implementation of successful systems in other courts. The bill also provides grants to courts to reduce pending backlogs of abuse and neglect cases so that courts are able to comply with the time lines established in the Adoption and Safe Families Act.

The bill also includes a provision to allow judges, attorneys and court personnel to qualify for training under

Title IV-E's existing training provisions. Finally, the bill includes a provision that would expand the CASA program to underserved and urban areas so that more children are able to benefit from its services.

When Congress passed the Adoption and Safe Families Act, I said that the bill is a good start, but that Congress will have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients in this process is an efficiently operating court system. After all, that's where a lot of delays occur. As well-intentioned as the strict time lines of the Adoption and Safe Families Act are, mandatory filing dates won't be enough to promote permanency if the court docket is too clogged to move the cases through the system. We need to provide assistance to the courts so that administrative efficiency and effectiveness are improved and the goals of the Adoption and Safe Families Act will be more readily achieved. I encourage my colleagues to support this legislation and I am committed to pushing for its timely consideration.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Abuse and Neglect Courts Act of 1999”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) **ABUSE AND NEGLECT COURTS.**—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) **AGENCY ATTORNEY.**—The term "agency attorney" means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administering the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

(c) **ATTORNEY REPRESENTING A CHILD.**—The term "attorney representing a child" means an attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.

(d) **ATTORNEY REPRESENTING A PARENT.**—The term "attorney representing a parent" means an attorney who represents a parent who is an official party to a proceeding conducted by, or under the supervision of, an abuse and neglect court.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) **AUTHORITY TO AWARD GRANTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) **LIMITATIONS.**—

(A) **NUMBER OF GRANTS.**—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) **PER STATE LIMITATION.**—Not more than 2 grants authorized under this section may be awarded per State.

(C) **USE OF GRANTS.**—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) **INFORMATION REQUIRED.**—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a pro-

posed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend \$1 for every \$3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the

matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for the period of fiscal years 2000 through 2004.

SEC. 4. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479B. GRANTS TO REDUCE BACKLOGS OF ABUSE AND NEGLECT CASES.

"(a) IN GENERAL.—Subject to the amount appropriated under subsection (f), the Secretary shall make grants to State courts or local courts for the purposes of—

"(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115); and

"(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

"(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Secretary shall require, that contains a description of the following:

"(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

"(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

"(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

"(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

"(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Secretary determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

"(1) establishing night court sessions for abuse and neglect courts;

"(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

"(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

"(4) extending the operating hours of such courts.

"(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

"(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

"(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Secretary that includes the following:

"(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

"(2) The nature of the backlogs of children that were pursued with grant funds.

"(3) The specific strategies used to reduce such backlogs.

"(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

"(A) whose parental rights have been terminated; and

"(B) whose adoptions have been finalized.

"(5) Any additional information that the Secretary determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

"(g) DEFINITION OF ABUSE AND NEGLECT COURT.—In this section, the term 'abuse and neglect court' has the meaning given that term in section 3(a) of the Strengthening Abuse and Neglect Courts Act of 1999.

"(h) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2000 \$10,000,000 for the purpose of making grants under this section."

SEC. 8. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

(a) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B), the following:

"(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 3(a) of the Strengthening Abuse and Neglect Courts Act of 1999), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 3(b) of such Act), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as so defined), attorneys representing children in such proceedings, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115), provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State."

(b) CONFORMING AMENDMENTS.—

(1) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(E)" and inserting "474(a)(3)(F)".

(2) Section 474(a)(3)(D) of such Act (42 U.S.C. 674(a)(3)(D)) (as redesignated by paragraph (1)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (D)".

(3) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking "subsection (a)(3)(C)" and inserting "subsection (a)(3)(D)".

SEC. 7. STATE STANDARDS FOR AGENCY ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that, not later than January 1, 2001, the State shall develop and encourage the implementation of guidelines for all

agency attorneys (as defined in section 3(b) of the Strengthening Abuse and Neglect Courts Act of 1999), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings."

SEC. 9. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) PURPOSE.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) ACTIVITIES.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants under section 4 concerning the automated data collection and case-tracking systems and outcome measures required under that section.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court, and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated inter-agency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and parents in such proceedings.

(d) TRAINING REQUIREMENT.—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section \$5,000,000 for the period of fiscal years 2000 through 2004.

SEC. 9. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, \$5,000,000 for fiscal year 2000.

• Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DEWINE in his introduction of the *Strengthening Abuse and Neglect Courts Act*. I would like to thank Mr. DEWINE for his leadership on behalf of vulnerable children, including our bipartisan work on this legislation. Work on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act.

A unique bipartisan coalition formed in 1997 worked hard to forge consensus on the Adoption and Safe Families Act of 1997. This law, for the first time ever, establishes that a child's health and safety must be paramount when any decisions are made regarding children in the abuse and neglect system. The law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade. It promotes safety, stability and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months.

Throughout the process of developing the Adoption Act we heard about the vital role the Nation's abuse and neglect courts play in achieving the goals of safety and permanence for children. We also heard that these courts were seriously overburdened and challenged by insufficient resources. Now, nearly a year and a half after the passage of the law, courts are struggling to meet the guidelines. Judges and child welfare professionals in my state of West Virginia tell me that the law is helping move children through the system more quickly, that the accelerated timelines are, indeed, essential for the protection of children, and that the effect of this is that the courts are becoming even more overburdened. We are hearing this same type of feedback from other judges and child advocates around the country.

These courts—and the judges, lawyers and other court personnel—make some of the most difficult and important decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations require the appropriate level of information, thoughtfulness and care. Judges throughout the country, like West Virginia's Chief Justice Margaret Workman, are committed to the fair and efficient administration of justice in these cases. In 1987, just over 2 million children, nationally, were reported or neglected. By 1997, this number had swelled to well over 3 million children. During this period, my own state of West Virginia experienced a 100% increase in child abuse cases. These staggering increases in child abuse have placed an unconscionable burden on these courts.

Working within their own communities, judges, attorneys, volunteers from the Court Appointed Special Advocates (CASA) programs and others have found creative and effective new ways to eliminate their caseload backlogs and move children more efficiently and safely through the court system. In West Virginia, Judge Workman and others have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinnati, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

Even when courts have the dedication and initiative to implement these innovative reforms, they simply cannot do it without sufficient resources. The purpose of the Strengthening Abuse and Neglect Courts Act is to help remove the burdens on an ever greater number of courts by increasing both their efficiency and their effectiveness. The bill provides much needed resources and allows state and local communities the flexibility to develop their own solutions to administrative

problems and caseload backlogs. In January of this year, the General Accounting Office released a report conducted at the request of Ways and Means Subcommittee on Human Resources Chairman SHAW, which concluded that there are three essential ingredients for successful court reform, all of which are incorporated in this Act. There are four ways this bill will help abuse and neglect courts better serve children and families.

The bill first provides a program of grants to states and local courts for the implementation of computerized case-tracking systems, similar to the one Judge Grossman created in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. When courts have such "user-friendly" access to vital case information children truly benefit—they move more quickly through foster care and on to adoptive homes or other permanent placements. This grant program will enable state and local courts to design similar computer systems, to replicate models that have proven successful in other jurisdictions and to receive technical assistance as they implement their new programs.

A second important provision of the bill is the grant program that provides State and local courts the resources they need to eliminate the backlog of abuse and neglect cases. Throughout the discussions on the Adoption and Safe Families Act, we heard from dozens of judges and advocates who said that far and away the biggest problem facing their courts was the overwhelming backlog of these cases. Without creative ways to eliminate these backlogs, and with the tightened timeframes we created with the new law, the judges emphasized that children's cases will simply not move through the court system in a timely manner. Each court may have their own effective approach to eliminating such backlogs. For some, hiring additional staff may be necessary. For others, creating a "Night Court" or "Saturday Court" to hear these cases would work. Still others may need to restructure duties of court personnel. This bill will provide grants to those court projects that are designed to result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future.

The Strengthening Abuse and Neglect Courts Act also recognizes that judges, attorneys, court personnel, law enforcement representatives, guardians-ad-litem and all others who participate in abuse and neglect proceedings can benefit from continuing education opportunities, improved training and the development of models for effective practice in these settings. The Act, therefore, extends federal reimbursement for training that is currently provided to agency case-workers to judges, attorneys and key court personnel who must make deci-

sion effecting the lives and future of vulnerable children. In addition to this basic, necessary training for court personnel, we hope it will also foster between cooperation between child welfare agencies and court personnel that is imperative to make system work to ensure the health and safety of children.

Finally, the bill provides for an expansion of the successful CASA—Court Appointed Special Advocates—volunteer program. This superb volunteer program has demonstrated its ability to improve outcomes for abused and neglected children. CASA are volunteers specially trained to speak for the best interests of children who have been abused or neglected. There are over 710 CASA programs nationwide, whose volunteers represented nearly 200,000 children last year alone. Recently, the Department of Justice recognized CASA as an "Exemplary Program". CASA has been operating in West Virginia since 1991 with programs currently serving children in 13 of our counties. Of course, there is more work to be done so that children in all 55 West Virginia counties; and all underserved areas throughout the country can benefit from the services of these trained and dedicated volunteers. In fact, despite CASA's phenomenal volunteer commitment and national praise by courts, and community leaders, 70% of the children in foster care are still without CASA representation. This bill will begin to address this gap by providing a \$5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers.

When we talk about how to help abused and neglected children in this country, our abuse and neglect courts are too often left out of the discussion. With the numbers of abused and neglected children rising dramatically—in West Virginia alone child abuse reports have doubled—from 13,000 in 1986 to over 26,000 in 1996—we need to include every system in our efforts to make a difference. The courts play a crucial role and I am confident that the Strengthening Abuse and Neglect Courts Act will be a valuable step in making our courts stronger, more efficient and more able to effectively address the needs of our Nation's most vulnerable children. I ask that my colleagues join us in this important effort.

I ask that a fact sheet about the bill be printed in the RECORD.

The material follows:

FACT SHEET—STRENGTHENING ABUSE AND NEGLECT ACT OF 1999

A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

SECTION 1, 3, & 3: TITLE, FINDINGS, AND DEFINITIONS

The Strengthening Abuse and Neglect Courts Act of 1999

SECTION 4: GRANTS TO COURTS FOR COMPUTER AUTOMATION AND CASE TRACKING SYSTEMS

A program to provide competitive state and local grants to abuse and neglect courts to create computerized case tracking systems, and to encourage the replication and implementation of successful systems in other court systems. Grant will be awarded based on eligibility criteria designed to encourage applications from both state and local courts, and a balance of urban and rural courts. Guidelines will also ensure that successful models can be disseminated to other courts. Applicants will need to include evaluation plans as part of the grant request.

Grant program is \$10 million, with a 25% state matching requirement, but a hardship exemption.

SECTION 5: GRANTS TO REDUCE BACKLOGS OF ABUSE AND NEGLECT CASES

A program to provide grants to court systems to reduce pending backlogs of abuse and neglect cases so that courts are able to comply with the time frames established in the Adoption and Safe Families Act. Competitive grants will be awarded to court systems to reduce backlogs by using night court sessions, hiring additional personnel to manage reduce caseloads, or other innovative strategies.

Grant program is \$10 million, and courts can use funding for up to 3 years.

SECTION 6: TRAINING FOR JUDGES AND COURT PERSONNEL

A provision to allow judges, attorneys, and court personnel to qualify for training under Title IV-E's existing training provisions, which is a federal-state matching program set at 75%-25%.

CBO to score provision.

SECTION 7: STATE STANDARDS FOR AGENCY ATTORNEYS

States shall develop and encourage by January 1, 2001, basic guidelines for education and training needed to handle abuse and neglect cases within the state and local court systems.

SECTION 8: TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT AND DEPENDENCY MATTERS

A program for competitive grants, administered by HHS in coordination with the Attorney General, to provide technical assistance to state and local courts to carry out their new responsibilities, including efforts to speed the process of adoption of children.

Technical assistance will be \$5 million for each year, from 2000 to 2004, for a five year total of \$25 million.

SECTION 9: GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATES (CASA) PROGRAM IN UNDERSERVED AREAS

A special grant program to expand the well-respected CASA program to the most needy areas, including the 15 largest urban areas and regional programs for rural areas.

A single start up grant of \$5 million in 2000.

By Mr. MURKOWSKI (for himself and Mr. DASCHLE):

S. 709. A bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels; to the Committee on Banking, Housing, and Urban Affairs.

THE RURAL AND REMOTE COMMUNITY FAIRNESS ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce the Rural and

Remote Community Fairness Act. This Act will lead to a brighter future for rural and remote communities by establishing three new programs that will address the unique economic and environmental challenges faced by small communities in rural and remote areas across this country. I am pleased that this legislation is co-sponsored by the Minority Leader, Senator DASCHLE.

The bill authorizes up to \$100 million a year in grant aid from 2000 through 2006 for any communities across the nation with populations of less than 10,000 which face electric rates in excess of 150 percent of the national average retail price. The money can go for electricity system improvements, energy efficiency and weatherization efforts, water and sanitation improvements or work to solve leaking fuel storage tanks.

The bill also amends the Rural Electrification Act to authorize Rural and Remote Electrification Grants of an additional \$20 million a year to the same communities. The grants can be used to increase energy efficiency, lower electricity rates or provide for the modernization of electric facilities.

The bill also establishes a new program providing rural recovery community development block grants. This will provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance for rural areas with excessively high rates of outmigration and low per capita income levels.

This nation has well-established programs for community development grants. The majority of these programs were established to help resolve the very real problems found in this Nation's urban areas. However, our most rural and remote communities experience different, but equally real, problems that are not addressed by existing law. Not only are these communities generally ineligible for the existing programs, their unique challenges, while sometimes similar to those experienced by urban areas, require a different focus and approach.

The biggest single economic problem facing small communities is the expense of establishing a modern infrastructure. These costs, which are always substantial, are exacerbated in remote and rural areas. The existence of this infrastructure, including efficient housing, electricity, bulk fuel storage, waste water and water service, is a necessity for the health and welfare of our children, the development of a prosperous economy and minimizing environmental problems.

There is a real cost in human misery and to the health and welfare of everyone, especially our children and our elderly from poor or polluted water or bad housing or an inefficient power system. Hepatitis B infections in rural Alaska are five times more common than in urban Alaska. We just have to do better if we are to bring our rural communities into the 21 Century.

The experience of many of Alaskans is a perfect example. Most small communities or villages in Alaska are not interconnected to an electricity grid, and rely upon diesel generators for their electricity. Often, the fuel can only be delivered by barge or airplane, and is stored in tanks. These tanks are expensive to maintain, and in many cases, must be completely replaced to prevent leakage of fuel into the environment. While the economic and environmental savings clearly justify the construction of new facilities, these communities simply don't have the ability to raise enough capital to make the necessary investments.

As a result, these communities are forced to bear an oppressive economic and environmental burden that can be eased with a relatively small investment on the part of the Federal government. I can give you some examples: in Manley Hot Springs, Alaska, the citizens pay almost 70 cents per kilowatt hour for electricity. In Igiugig, Kokhanok, Akiachak Native Community, and Middle Kuskokwim, consumers all pay over 50 cents per kilowatt hour for electricity. The national average is around 7 cents per kilowatt hour.

Further, in Alaska, for example, many rural villages still lack modern water and sewer sanitation systems taken for granted in all other areas of America. According to a Federal Field Working Group, 190 of the state's villages have "unsafe" sanitation systems, 135 villages still using "honey buckets" for waste disposal. Only 31 villages have a fully safe, piped water system; 71 villages having only one central watering source.

These are not only an Alaskan problem. The highest electricity rates in America are paid by a small community in Missouri, and communities in Maine, as well as islands in Rhode Island and New York will likely qualify for this program. Providing safe drinking water and adequate waste treatment facilities is a problem for very small communities all across this land.

What will this Act do to address these problems? First, the Act authorizes \$100 million per year for the years 2000-2006 for block grants to communities of under 10,000 inhabitants who pay more than 150% of the national average retail price for electricity.

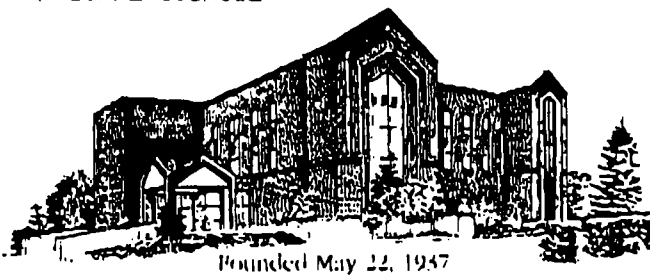
The grants will be allocated by the Secretary of Housing and Urban Development among eligible communities proportionate to cost of electricity in the community, as compared to the National average. The communities may use the grants only for the following eligible activities:

Low-cost weatherization of homes and other buildings;

Construction and repair of electrical generation, transmission, distribution, and related facilities;

Construction, remediation and repair of bulk fuel storage facilities;

Facilities and training to reduce costs of maintaining and operating electrical generation, distribution, transmission, and related facilities;



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 Detroit, Michigan
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 Mesa, Arizona
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 Toledo, Ohio
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 Tucson, Arizona
 MATTHEW S. RUFF
 Clinton, Missouri
 GORDON W. SALTER
 Tampa, Florida
 GERTMAN S. SLATTS, JR.
 Cincinnati, Virginia

GENERAL COUNSEL.

THOMAS J. MATHIESEN (SIC)
Washington, D.C.

WEB SITE

00000000000000000000

5-MAY

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EXECUTIVE DIRECTOR:

LOUIS W McHARDY
Reno, Nevada

March 23, 1999

The Honorable John D. Rockefeller, IV
United States Senate
531 Senate Hart Office Building
Washington, D.C. 20510-4802

Dear Senator Rockefeller:

The National Council of Juvenile and Family Court Judges has, for over 25 years, promoted safety and permanence for this nation's abused and neglected children.

Legislation that was passed in 1980, the Adoption Assistance and Child Welfare Act of 1980, and subsequent legislation in 1997, the Adoption and Safe Families Act, were supported by this organization as important to providing better outcomes for this nation's foster children. The current legislation pending, Strengthening Abuse and Neglect Courts Act of 1999, is fully supported by this organization.

This legislation will provide critical resources to courts, including data information systems, training, technical assistance, and reduction of case backlogs. The National Council is pleased to offer support for this Act, and stands ready to testify at any future hearings.

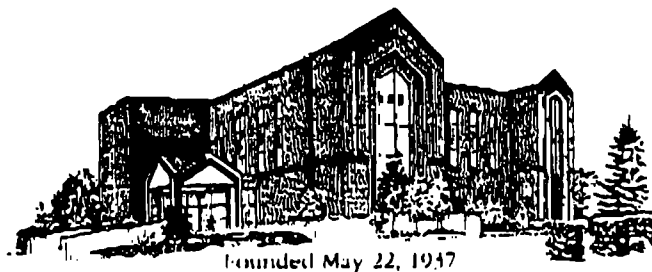
Sincerely,

Mary Mentaberry

Mary Volpa Mentaberry
Director
Permanency Planning for Children Department

MVM:cd

62nd Annual Conference July 18-21, 1999 Chicago, Illinois
Celebrating the Centennial of the Juvenile Court • 1899-1999



NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

UNIVERSITY OF NEVADA P.O. BOX 8970 RENO, NV 89507 775/784-6012 FAX 775/784-6628
1041 NORTH VIRGINIA STREET THIRD FLOOR RENO, NV 89557

OFFICERS:

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Lynch, Michigan
JOHN W. VARE
Lynch, Illinois
JOSEPH H. VARE
Lynch, Virginia

GENERAL COUNSEL:

THOMAS J. MADDEN, ESQ.
Washington, D.C.

WEB SITE

1999: 100. In: *Journal of the American Musicological Society*, 42, 1, 100-101.

E-MAIL:

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

March 23, 1999

The Honorable Mike DeWine
United States Senate
140 Russell Senate Building
Washington, D.C. 20510

Dear Senator DeWine:

The National Council of Juvenile and Family Court Judges has, for over 25 years, promoted safety and permanence for this nation's abused and neglected children.

Legislation that was passed in 1980, the Adoption Assistance and Child Welfare Act of 1980, and subsequent legislation in 1997, the Adoption and Safe Families Act, were supported by this organization as important to providing better outcomes for this nation's foster children. The current legislation pending, Strengthening Abuse and Neglect Courts Act of 1999, is fully supported by this organization.

This legislation will provide critical resources to courts, including data information systems, training, technical assistance, and reduction of case backlogs. The National Council is pleased to offer support for this Act, and stands ready to testify at any future hearings.

Sincerely,

Mary Mentaberry
Mary Volpa Mentaberry

Mary Volpa Mentaberry
Director
Permanency Planning for Children Department

MVM:cd

62nd Annual Conference July 18-21, 1999 Chicago, Illinois
Celebrating the Centennial of the Juvenile Court • 1899-1999

National Center for State Courts

OFFICE OF GOVERNMENT RELATIONS
1700 North Moore Street, Suite 1710
Arlington, Virginia 22209
(703) 841-0200 / FAX: (703) 841-0206

February 23, 1999

Ms. Barbara Pryor
C/O Senator John D. Rockefeller, IV
SH-531 Hart Senate Office Building
Washington, DC 20510-4802

Re: Strengthening Abuse and Neglect Court Act

Dear Barbara:

I have enclosed two resolutions related to the Strengthening Abuse and Neglect Court Act (SANCA) for your information. Both the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have endorsed passage of legislation similar to SANCA of 1998.

CCJ and COSCA are both very supportive of this legislation that Senators Rockefeller and DeWine will be reintroducing; and would like to do whatever they can to assist you as Congress considers this important piece of legislation.

Please let us know how we can be of assistance. You can reach me at (703) 841-0200 or at kfarley@ncsc.dni.us.

Sincerely,



Kay Farley
Government Relations Representative

Encl.

c: Chief Justice David A. Brock, President, Conference of Chief Justices
William C. Vickrey, President, Conference of State Court Administrators
Hon. Roger K. Warren, President, National Center for State Courts
Brenda Williams
Shelley Rockwell

CONFERENCE OF CHIEF JUSTICES

Resolution XV

In Support of Effective Implementation of the Adoption and Safe Families Act

WHEREAS, the Conference of Chief Justices recognizes the importance of securing safe, permanent homes for children; and

WHEREAS, the Adoption and Safe Families Act (ASFA) of 1997 provides structure and accountability critical to ensuring that our nation's children are cared for in safe, permanent homes; and

WHEREAS, state courts are committed to effectively implementing the provisions of ASFA; and

WHEREAS, state courts have traditionally not been included in the allocation of federal funding, but need the benefit of federal funding to be effective in carrying out the responsibilities assigned to them by Congress under ASFA; and

WHEREAS, S. 2607, Strengthening Abuse and Neglect Courts Act of 1998, was introduced in the 105th Congress and similar legislation will be introduced in the 106th Congress;

NOW, THEREFORE, BE IT RESOLVED that the Conference supports the goals and objectives of the Strengthening Abuse and Neglect Courts Act of 1998; and

BE IT FURTHER RESOLVED, that proposed legislation should provide the needed federal funding to assist state courts in areas such as: developing automated tracking systems; reducing case backlogs affording greater training, providing best practices information, and bolstering state sponsored guardian ad litem programs, such as Court Appointed Special Advocate (CASA) programs; and

BE IT FURTHER RESOLVED that the Conference urges Congress to adopt legislation with similar goals and objectives of S. 2607 during the 106th Congress.

Adopted as proposed by the Courts, Children and the Family Committee of the Conference of Chief Justices in Washington, DC, at the 22nd Midyear Meeting, on January 21, 1999.

CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION I

In Support of Effective Implementation of the Adoption and Safe Families Act

WHEREAS, the Conference of State Court Administrators recognizes the importance of securing permanent and safe homes for children of the United States; and

WHEREAS, the Adoption and Safe Families Act (ASFA) of 1997 provides needed structure and accountability critical to ensuring our nation's children are cared for in permanent and safe homes; and

WHEREAS, courts are committed to effectively implementing the provisions of ASFA; and

WHEREAS, courts have traditionally not been included in the allocation of federal funding, but need the benefit of federal funding to be effective and efficient in carrying out the responsibilities assigned to them by Congress under ASFA; and

WHEREAS, S. 2607, Strengthening Abuse and Neglect Courts Act of 1998 was introduced in the 105th Congress and similar legislation will be introduced in the 106th Congress; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators supports the goals and objectives of the Strengthening Abuse and Neglect Courts Act of 1998; and

BE IT FURTHER RESOLVED, that proposed legislation should provide the needed federal funding to assist courts in five areas: grants for court automated tracking systems; grants to courts to assist with reducing backlogged cases; more flexibility in the funding of training; a requirement that states establish attorney standards, technical assistance to states to provide best practices information, and increased funds for state sponsored guardian ad litem programs, such as Court Appointed Special Advocate (CASA) programs.

BE IT FURTHER RESOLVED that the Conference of State Court Administrators urges Congress to adopt legislation with similar goals and objectives of S. 2607 during the 106th Congress.

Adopted as proposed by the Conference of State Court Administrators at the Twentieth Midyear Meeting in Charleston, South Carolina on December 4, 1998.

**GOVERNMENTAL AFFAIRS
OFFICE**

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762
(202) 662-1032

DIRECTOR
Robert D. Evans
(202) 662-1765
rdevans@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL
Kevin J. Driscoll
(202) 662-1766
driscollk@staff.abanet.org

Irene R. Emsellem
(202) 662-1767
emsellemi@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL
Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

Irving E. Daniels
(202) 662-1789
danielsi@staff.abanet.org

R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

**DIRECTOR GRASSROOTS
OPERATIONS**
Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

EXECUTIVE ASSISTANT
Diane Crocker-McBrayer
(202) 662-1777
dcrocker@staff.abanet.org

**INTELLECTUAL PROPERTY
LAW CONSULTANT**
Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

**STAFF DIRECTOR FOR
STATE LEGISLATION**
Kenneth Goldsmith
(202) 662-1780
goldsmithk@staff.abanet.org

**STAFF DIRECTOR FOR
INFORMATION SERVICES**
Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER
Rhonda J. McMillion
(202) 662-1017
mcmillionr@staff.abanet.org

March 22, 1999

The Honorable John D. Rockefeller, IV
United States Senate
531 Hart Office Building
Washington, DC 20510

Dear Senator Rockefeller:

I am writing on behalf of the American Bar Association to express our appreciation and strong support for your leadership and that of Senators DeWine, Chafee and Landrieu in introducing the Strengthening Abuse and Neglect Courts Act of 1999. This important legislation will help the nation's child abuse and neglect courts to meet the significant new burdens placed on them under the 1997-enacted Adoption and Safe Families Act (ASFA) and help to achieve the principal goal of the Act of safe, permanent homes for increased numbers of children in foster care.

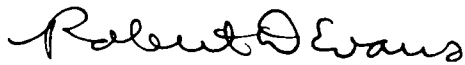
Under both Federal and State law, the courts play a crucial role in the nation's child welfare system and in ensuring safety, stability and permanence for abused and neglected children under the supervision of that system. ASFA specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months. The accelerated timelines for the termination of parental rights and other requirements imposed under the Act have increased the pressure on the nation's already overburdened abuse and neglect courts.

The need for this legislation is documented by a study issued in January 1999 by the U.S. Government Accounting Office, "Reforms Aim to Better Serve Maltreated Children." It noted the central responsibilities placed on child and abuse courts by the federal/state child welfare system. It described seven types of hearings conducted by courts regarding decisions about maltreated children who enter the system and the intensive demands made on courts by the ongoing nature of these cases as part of the reason for the nation's backlogged child welfare system. It noted particularly the success of five court systems that shared similar reform components: judicial leadership and collaboration among court participants, the availability of timely information on case processing

performance, and the availability of financial resources to initiate and sustain reforms. Through such key reforms these courts have been able to dramatically bring down caseloads, achieve remarkable federal and state cost savings as a result of lower numbers of children in foster care, and to improve the quality of decision-making for the remaining cases.

The Strengthening Abuse and Neglect Courts Act of 1999 will help the child abuse and neglect courts by assisting courts to obtain and implement case-tracking systems, by improving the quality and availability of training for judges, attorneys and court personnel, and by supporting targeted efforts of courts to end backlogged caseloads and thereby achieve permanency. The Act can give the nation's courts charged with responsibility for maltreated children, and which have been given new responsibilities under ASFA, the tools necessary to cope with those responsibilities and to begin to achieve the noble goal of ASFA of safe, permanent homes for all children in foster care.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans". The signature is written in dark ink and is positioned above the printed name.

Robert D. Evans



The National Court Appointed Special Advocate Association

100 West Harrison St. • North Tower, Suite 500 • Seattle, Washington 98119

(206) 270-0072 • Fax (206) 270-0078 • E-mail: staff@nationalcasa.org

The National CASA Association supports the Strengthening Abuse and Neglect Courts Act (SANCA) to further improve our nation's juvenile/family courts. "This year marks the 100th anniversary of the first juvenile court," notes Michael Piraino, Chief Executive Officer of National CASA. "Passage of SANCA in this centennial year will bring much-needed resources to more effectively manage the large number of abuse and neglect cases in our juvenile courts."

More than one million reports of child abuse and neglect were substantiated in 1997. This represents 15 out of every 1,000 children in the United States. More than ½ million children are removed from their homes and placed into foster care to assure their safety and protection. Half of these children remain in foster care for two years or longer, with multiple moves among foster families and schools. Two years or longer is an interminable period in the very short time span of childhood to have to live without resolution of a permanent family or place to call home.

Reforms initiated by the Adoption and Safe Families Act of 1997 (PL 105-89) have encouraged state child protection agencies to focus their efforts on safety and permanency for children. Incentives and resources are provided to state agencies in order to move children more quickly through foster care within defined timeframes. Juvenile and Family courts are also required to honor the tighter timeframes. Now SANCA provides resources for the courts to deal with the backlog of children's cases already in the system, and to move new cases more expeditiously.

Among the resources provided to courts through SANCA is the expansion of Court Appointed Special Advocates (CASAs). CASAs are specially trained volunteer citizens appointed by the courts to gather information about a child's circumstances, and to make recommendations which address the child's best interest. CASA volunteers are a powerful voice for children. The role of the CASA volunteer becomes even more critical under the shorter timeframes of ASFA. The courts and agencies are still dealing with overwhelming caseloads, yet have less time to devote to an individual child's case. CASAs can be an assurance that a child has an advocate that will take the time to thoroughly research the child's situation and important facts are not overlooked.

CASA volunteers handle only 1 or 2 cases, so they can take the time to interview everyone involved in the case and prepare a thorough report and recommendation to the court. The CASA volunteer's only job is to speak for the child, to assure his or her best interest is not overlooked while in protective

custody, and that the child is placed in a safe, permanent home where he or she can thrive.

Today there are more than 800 CASA programs throughout the country. In 1997, the courts appointed CASA volunteers to the cases of 172,000 children, representing about 1/3 of the children in foster care. While CASA programs are established in most urban court jurisdictions, the percentage of children receiving CASA advocates is low because of the high numbers of children in the foster care in our major cities. As an example, 47,000 children are in foster care in Los Angeles alone, nearly 10% of all children nationwide in foster care. SANCA seeks to expand the capacity of CASA programs in urban areas to advocate for more children, as well as to develop programs to serve children in underserved rural areas.

For more information contact:
Jim Clune
Communications and Marketing Director
National CASA Association
800/628-3233
email: jclune@nationalcasa.org

National
CASA
Association



National Court Appointed Special Advocate Association

A nationwide organization of programs which train volunteers to speak up for the best interests of abused and neglected children in the courts, in order that each child be provided a safe, permanent home.

National Court Appointed Special Advocate (CASA) Association
North Tower
100 W. Harrison St., Ste. 500
Seattle, WA 98119-4123

Web site: <http://www.nationalcasa.org>
<http://www.casanet.org>
E-mail: staff@nationalcasa.org

Phone: 206-270-0072
800-628-3233
Fax: 206-270-0078